

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 13, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ELI GARRETT.

The SPEAKER laid before the House the following message; which was referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 9163, entitled "An act granting a pension to Eli Garrett."

This beneficiary enlisted in the Confederate army December 1, 1862. He was captured by the United States forces on the 26th of November, 1863, and enlisted in the Union Navy January 22, 1864.

He was discharged from the Navy for disability September 8, 1864, upon the certificate of a naval surgeon, which states that he had valvular cardiac disease (disease of the heart), and that there was no evidence that it originated in the line of duty.

His claim for pension was rejected in 1882 upon the ground that the act which permits pensions to Confederate soldiers who joined the Union Army did not extend to such soldiers who enlisted in the Navy.

I can see no reason why such a distinction should exist, and the recommendation of the Commissioner of Pensions made in 1887, that this discrimination be removed, should be adopted by the enactment of a law for that purpose.

In this case, however, I am unable to discover any evidence that the trouble with which this beneficiary appears to be afflicted is related to his naval service which should overcome the plain statement of the surgeon upon whose certificate he was discharged, to the effect that there was no evidence that his disability originated in the line of naval duty.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 12, 1889.

JULIA TRIGGS.

The SPEAKER also laid before the House the following message; which was referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 5752, entitled "An act for the relief of Julia Triggs."

This beneficiary filed an application for pension in 1882, claiming that her son William Triggs died in 1875 from the effects of poison taken during his military service in the water which had been poisoned by the rebels, and in food eaten in rebel houses which had also been poisoned.

He was discharged from the Army with his company, July 24, 1865, after a service of more than four years.

The cause of his death is reported to have been an abscess of the lung. The case was specially examined and the evidence elicited to support the claim of poisoning appears to have been anything but satisfactory.

The mother herself testified that her son was absent from Chicago, where she lived, and in the South from 1863 to 1869, and that he was in Indiana from 1869 to 1874.

The claim was rejected on the 12th day of February, 1887, on the ground that evidence could not be obtained upon special examination showing that the soldier's death was due to any disability contracted in the military service.

While I am unable to see how any other conclusion could have been reached upon the facts in this case, there is reason to believe that a favorable determination upon its merits would be of no avail, since on the 17th day of April, 1888, a letter was filed in the Pension Office from a citizen of Chicago, in which it is stated that the beneficiary named in this bill died on the 27th day of February, 1888, and an application is therein made on behalf of her daughter for reimbursement of money expended for her mother in her last illness and for her burial.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 12, 1889.

CLARA M. OWEN.

The SPEAKER also laid before the House the following message:

To the House of Representatives:

I return without approval House bill No. 11052, entitled "An act granting a pension to Clara M. Owen."

The husband of this beneficiary was pensioned for a gunshot wound in the left chest and lung, received in action on the 30th day of September, 1864.

He was drowned August 31, 1884. It appears that he was found in a stream where he frequently bathed, in a depth of water variously given from 5 to 8 feet. He had undressed and apparently gone into the water as usual.

Medical opinions are produced tending to show that drowning was not the cause of death.

No post-mortem examination was had, and it seems to me it must be conceded that a conclusion that death was in any degree the result of wounds received in military service rests upon the most unsatisfactory conjecture.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 12, 1889.

Mr. MATSON. I move that the message be referred to the Committee on Invalid Pensions.

Mr. STEELE. I desire to ask my colleague [Mr. MATSON] how many bills with veto messages which have been referred to his committee have been reported back to the House during the present session?

Mr. MATSON. All that have been pressed. [Cries of "Regular order!"]

Mr. STEELE. I move as an amendment that the bill and message be referred to the Committee on Pensions.

The question was put; and the Speaker announced that the noes seemed to have it.

Mr. STEELE. Division.

The House divided; and there were—ayes 78, noes 104.

So the amendment was disagreed to.

The message was referred to the Committee on Invalid Pensions, and ordered to be printed.

SANITARY CONDITION OF CITY HALL, WASHINGTON, D. C.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting, with accompanying correspondence, a letter from the Attorney-General relative to the sanitary condition of the city hall in Washington, D. C.; which was referred to the Committee on Appropriations, and ordered to be printed.

NAVAL APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 12329) making appropriation for the naval service for the fiscal year ending June 30, 1890, and for other purposes, with Senate amendments; which was referred to the Committee on Naval Affairs, and ordered to be printed.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

The SPEAKER also announced that the Senate had returned to the House with amendments the concurrent resolution to print 50,000 copies of the fourth annual report of the Bureau of Animal Industry; which was referred to the Committee on Printing.

REPORT OF COAST AND GEODETIC SURVEY.

The SPEAKER also laid before the House the following concurrent resolution from the Senate:

IN THE SENATE OF THE UNITED STATES, February 12, 1889.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 5,000 additional copies of the report of the Coast and Geodetic Survey for the fiscal year ending June 30, 1888, together with the usual necessary progress sketches and illustrations, 1,000 copies of which shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Superintendent of the United States Coast and Geodetic Survey.

Mr. RICHARDSON. That resolution has already been reported favorably by the Committee on Printing of the House, and I ask now that it be considered.

There was no objection; and the concurrent resolution was agreed to. Mr. RICHARDSON moved to reconsider the vote by which the concurrent resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. YOST, on account of sickness.

ADMISSION OF LADIES TO THE FLOOR.

Mr. ERMENTROUT. I offer the following resolution, and ask for its immediate consideration:

Resolved, That the Doorkeeper be directed to admit to the floor of the House ladies having tickets issued for the reserved galleries during the joint session for the count of the electoral vote, and also, upon request of Senators and Representatives, the ladies of their families.

Mr. MILLS. I would suggest an amendment, that the resolution shall read so as not to include the seats reserved for the Senate.

The SPEAKER. The officers of the House will see to the manner of seating the ladies.

The resolution was agreed to.

Mr. ERMENTROUT moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS WYNNE.

Mr. MORRILL. I rise to present a privileged conference report on the bill (S. 3116) granting an increase of pension to Thomas Wynne. The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3116) granting an increase of pension to Thomas Wynne, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the part proposed to be inserted in the amendment of the House insert "of \$35 a month, in lieu of the pension he is now receiving;" and the House agree to the same.

EDWARD LANE,
CARLOS FRENCH,
E. N. MORRILL,
Managers on the part of the House.
PHILETUS SAWYER,
C. K. DAVIS,
D. TURPIE,
Managers on the part of the Senate.

STATEMENT.

The bill as it passed the Senate gave to the beneficiary a pension of \$50 per month. The House amended by striking out "\$50" and inserting "for all disabilities now found to exist." It has been shown to your committee that this soldier is in a helpless condition and not likely to live many months, and that the House amendment would be delaying the relief sought without lessening the amount.

The report of the committee of conference was agreed to.

Mr. MORRILL moved to reconsider the vote by which the report of the conference committee was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SMALLS-ELLIOTT CONTESTED-ELECTION CASE.

Mr. CRISP. It was my intention to ask the House to consider for half an hour at least the pending contested-election case before the time arrived when the Senate is to meet with the House to count the electoral vote. But suggestions have been made to me that there is so much confusion on the floor, and there will necessarily be from now until then, that perhaps that is impracticable. I want, however, to make this statement, that there are two hours and thirty-seven minutes of debate remaining upon this case under the agreement—one hour and twenty-five minutes on this side, and an hour and twelve minutes on the other side. Four years ago, on a like occasion, the Senate remained in the House one hour and seventeen minutes. If no greater time is taken to-day than was taken then, the House will be in a position by half past 2 o'clock to resume the consideration of this case. The statement I wish to make is that we shall then ask that the case be resumed and that the House remain in session until it is disposed of. In that way we can reach a vote by about 5 o'clock. I make this announcement now so that members may know that we intend to pursue this course in regard to the pending case, in order that it may be disposed of to-day; but as there is so much confusion on the floor I shall not ask to call it up until immediately after the Senate retires.

A MEMBER. Regular order.

The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports.

NATURALIZATION LAWS.

Mr. OATES, from the Committee on the Judiciary, reported, as a substitute for the bill (H. R. 11393) to amend the naturalization laws of the United States, a bill (H. R. 12577) to amend the naturalization laws of the United States.

Mr. OATES. Mr. Speaker, I ask unanimous consent that that bill, with the substitute and report, be printed and recommitted to the Committee on the Judiciary, with leave to report back at any time.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. O'NEILL, of Missouri. I object.

The SPEAKER. The bill will be printed and recommitted if the gentleman from Alabama so desires.

Mr. OATES. I do.

The bill was recommitted, and ordered to be printed.

Mr. COLLINS. Mr. Speaker, on behalf of the gentleman from Ohio [Mr. SENEY] and myself, I ask leave to file the views of the minority on that bill.

There was no objection, and it was so ordered.

CAPT. GEORGE S. ANDERSON.

Mr. ROCKWELL, from the Committee on Foreign Affairs, reported back the joint resolution (H. Res. 235) authorizing Capt. George S. Anderson, Sixth Cavalry, to accept from the President of the French Republic a diploma conferring the decoration of chevalier of the National Order of the Legion of Honor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. ROCKWELL. It is understood and agreed that the minority shall have leave to file their views at any time.

The SPEAKER. If there be no objection, that will be so ordered.

There was no objection.

CHIEF ENGINEER GEORGE W. MELVILLE.

Mr. WISE, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 2659) for the rewarding of Chief Engineer George W. Melville, United States Navy, for meritorious services; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DEBT OF ARKANSAS TO THE UNITED STATES.

Mr. JACKSON. Mr. Speaker, I ask leave to file the views of the minority in relation to the bill (H. R. 3288) reported yesterday from the Committee on Public Lands, authorizing the settlement of the debt due to the United States by the State of Arkansas.

There was no objection, and it was so ordered.

FORT SEDGWICK MILITARY RESERVATION.

Mr. TURNER, of Kansas, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 8634) to provide for the sale of the Fort Sedgwick military reservation, in the State of Colorado and Territory of Wyoming, to actual settlers; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

INDIAN APPROPRIATION BILL.

Mr. PEEL, from the Committee on Indian Affairs, reported a bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ARIZONA, IDAHO, AND WYOMING.

Mr. SPRINGER (when the Committee on the Territories was called). Mr. Speaker, I desire to present a report from the Committee on Territories, but as it is not quite ready, I ask leave to file it with the Clerk during the day.

Mr. COX. What report is it?

Mr. SPRINGER. It is a bill to enable the people of Arizona, Idaho, and Wyoming to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 9983) granting an increase of pension to Moses W. Adley;

A bill (H. R. 9867) for the relief of Catherine Millen;

A bill (H. R. 10995) granting a pension to John W. Sidwell;

A bill (H. R. 11491) granting a pension to J. M. Stevens, Company A, Forty-ninth Pennsylvania Volunteers; and

A bill (H. R. 5224) granting a pension to Jacob Zannuck.

MARTHA RHODES.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 12428) for the relief of Martha Rhodes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WARREN F. WOOD.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 7914) to pension Warren F. Wood; which was laid on the table, and the accompanying report ordered to be printed.

ISAAC D. FULLER.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 5154) to increase the pension of Isaac D. Fuller; which was laid on the table, and the accompanying report ordered to be printed.

JOHN DILLON.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 10900) granting a pension to John Dillon; which was laid on the table, and the accompanying report ordered to be printed.

VALENTINE M. CURRIN.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 11859) granting an increase of pension to Valentine M. Currin; which was laid on the table, and the accompanying report ordered to be printed.

ARTIFICIAL EYES FOR PENSIONERS.

Mr. BLISS, from the Committee on Pensions, reported back with amendment the bill (H. R. 9152) to amend the act approved August 15, 1876, allowing artificial limbs, so as to allow artificial eyes to pensioners; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN CURRON.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 11919) for the relief of John Curron; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARGARET E. HARNIE.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 10785) for the relief of Mrs. Margaret E. Harnie; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. BAILEY.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 11829) to pension Mary A. Bailey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JONATHAN HAYES.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 6931) granting a pension to Jonathan Hayes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE HUNTER.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 12510) granting a pension to George Hunter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMANDA L. WISNER.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 11486) granting a pension to Amanda L. Wisner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH M'CLENACHAN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 11526) granting a pension to Sarah McClenachan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH L. SNELL.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 12482) to increase the pension of Elizabeth L. Snell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM SCHAFFER.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 3150) granting a pension to William Schaffer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

POWELL'S BATTALION, MISSOURI MOUNTED VOLUNTEERS.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 3513) granting pensions to Powell's Battalion, Missouri Mounted Volunteers; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JAMES H. HALLIN AND OTHERS.

Mr. KERR, from the Committee on Claims, reported back with amendments the bill (H. R. 11995) for the relief of James H. Hallin, Hirman Avery, and Joseph Tesson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WASHINGTON AND SANDY SPRING RAILROAD COMPANY.

Mr. ROWELL, from the Committee on the District of Columbia, reported back with amendments the bill (S. 1631) to incorporate the Washington and Sandy Spring Narrow Gauge Railroad and Street Railway Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. CLARDY, by unanimous consent, the Committee on Commerce was discharged from the further consideration of Miscellaneous Document No. 88, in reference to a forfeiture of the Pacific railroad grants; and the same was referred to the Committee on Pacific Railroads.

ORDER OF BUSINESS.

Mr. ENLOE. Mr. Speaker, the Committee on the Post-Office and Post-Roads instructed me to present to the House a report and ask unanimous consent for its present consideration. I now send it to the desk.

The SPEAKER. That can not be under this call; the Chair is now executing the regular order, which has been demanded.

Mr. PEEL. I wish to submit a conference report.

Mr. CRISP. I move that the House take a recess until five minutes before 1 o'clock.

The SPEAKER. The gentleman from Arkansas presents a conference report which the Chair thinks will have precedence of that motion.

ST. LOUIS AND SAN FRANCISCO RAILWAY COMPANY.

Mr. PEEL submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6512) to grant the right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendments of the Senate and agree to the same.

S. W. PEEL,
B. W. PERKINS,
Managers on the part of the House.

H. L. DAWES,
JAMES K. JONES,
FRANCIS B. STOCKBRIDGE,
Managers on the part of the Senate.

Mr. HOLMAN. I ask that the Senate amendments be read.

The Clerk proceeded to read the amendments.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed a joint resolution (S. R. 125) authorizing the heirs of Rear-Admiral Charles W. Baldwin, United States Navy, to receive a snuff-box set in diamonds from the Czar of Russia; in which the concurrence of the House was requested.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890, and for other purposes.

Also, that the Senate had passed the bill (H. R. 855) for the relief of the heirs of Jacob Cramer.

WITHDRAWAL OF CERTAIN PUBLIC LANDS, OREGON.

Mr. HERMANN, from the Committee on the Public Lands, reported back favorably the joint resolution (H. Res. 75) withdrawing from public sale and settlement vacant public lands along Columbia River between The Dalles City and Celilo, being in Oregon and Washington Territory, as a reservation for future improvement of river navigation between said points; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Indiana demands the reading of the Senate amendments to the conference report submitted by the gentleman from Arkansas.

Mr. CRISP. If this is to lead to discussion I shall raise the question of consideration upon it.

Mr. PEEL. I do not think it will take any time.

The SPEAKER. The question of consideration is raised, which will be regarded as pending, and the regular order of business will be suspended for the present, as the Chair is informed that the Senate will leave its Hall at five minutes before 1 o'clock.

The Chair desires to call the attention of the House to the fact that under the act of February 3, 1887, in regard to the proceedings of the two Houses in joint convention for the counting of the electoral vote, it is provided that the Senators shall be seated in that part of the Hall on the right of the Presiding Officer.

COUNTING OF THE ELECTORAL VOTE.

At two minutes before 1 o'clock p. m. the Doorkeeper announced the Senate of the United States.

The Senate entered the Hall, preceded by its Sergeant-at-Arms and headed by the President and Secretary of the Senate, the members and officers of the House rising to receive them.

The President of the Senate [Mr. INGALLS] took his seat as Presiding Officer of the joint convention of the two Houses, the Speaker [Mr. CARLISLE] occupying the chair on his left.

The PRESIDENT OF THE SENATE. This being the day and the hour appointed for opening the certificates and counting the votes of electors for President and Vice-President, the Senate and House of Representatives have met together pursuant to the Constitution and laws of the United States. If there be no objection to the electoral vote of the State of Alabama, the certificate will be read by the tellers, who will make a list of the votes therefrom.

There being no objection, Mr. MANDERSON (one of the tellers) read at length the certificate of the vote of the State of Alabama, giving 10 votes for Grover Cleveland, of the State of New York, for President of the United States, and 10 votes for Allen G. Thurman, of the State of Ohio, for Vice-President of the United States.

The PRESIDENT OF THE SENATE. Following the precedents observed upon former occasions, unless in any case there be a demand that the certificate be reported in full, the tellers, having ascertained the certificates are in due form and properly authenticated, will omit the executive certificate of the ascertainment of the electors appointed and the preliminary formal statement of the proceedings of the college.

Mr. HARRIS (one of the tellers) read the certificate of the electors of the State of Arkansas, and announced the electoral vote of that State for President and Vice-President.

Mr. EDMUNDS. I ask by unanimous consent the tellers, having examined the certificates and found them to be regular, will simply announce the result and the number of votes of the State, whatever the result may be, and save the time of reading the papers. We all understand they have examined them and found them to be regular.

The PRESIDENT OF THE SENATE. If there be no objection, that course will be pursued.

There was no objection.

The tellers then proceeded to announce the electoral votes of the States of California, Colorado, and Connecticut.

Mr. COX. I desire to call the attention of the President to the language of the law of February 3, 1887.

The PRESIDENT OF THE SENATE. The gentleman from New York can proceed only by unanimous consent, debate not being in order.

Mr. COX. I do not propose to debate, but will have the law read from the Clerk's desk.

The PRESIDENT OF THE SENATE. The Chair thinks that in the nature of debate.

Mr. COX. I will ask unanimous consent to read one sentence of the law, in order, if possible, to prevent any improper precedent from creeping into the count of the electoral vote. "Upon such reading of any such certificate or paper the President of the Senate shall call for objections, if any." That means, sir, if anything, objections after the reading.

The tellers then proceeded to announce the electoral votes of the States of Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, and Ohio, to which there was no objection.

During the announcement of the electoral vote of Indiana there were manifestations of applause.

THE PRESIDENT OF THE SENATE. The Chair is confident his suggestion that manifestations of applause or disapproval are in violation of the rules of the Senate and of the House of Representatives, and that they disturb the dignity and decorum which should characterize the great transaction which is now proceeding in the presence of the representatives of the American people will be sufficient to prevent a repetition of the disorder which has just occurred.

When the State of Oregon was reached,

THE PRESIDENT OF THE SENATE. The President of the Senate has received two certificates and two other papers purporting to be certificates from the State of Oregon. He is required by law to deliver them all, and delivers them to the tellers, who will, if there be no objection, read those certificates which are authenticated by the signatures of the electors certified by the governor of Oregon to have been duly appointed in that State, as appears by the copy of such certificate, transmitted to the two Houses of Congress; and will make a list of the votes as they appear therefrom.

Senator MANDERSON (one of the tellers). The tellers have examined the different certificates presented to them, and they find but one in duplicate that is certified by the governor of the State of Oregon, over the great seal of that State. It seems to be in due form, and by it it appears that Benjamin Harrison, of Indiana, received 3 votes for President of the United States, and Levi P. Morton, of New York, received 3 votes for Vice-President of the United States.

There was no objection.

The tellers then proceeded to announce the electoral votes of the States of Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, to which there was no objection.

THE PRESIDENT OF THE SENATE. The certificates having now all been opened and read, the tellers will deliver the result of the ascertainment and counting of the votes to the President of the Senate.

Senator MANDERSON (one of the tellers). The tellers on the part of the Senate and House of Representatives report the following as the result of the ascertainment and counting of the electoral votes for President and Vice-President of the United States for the term beginning March 4, 1889.

The following is the report:

List of votes for President and Vice-President of the United States for the constitutional term to commence on the 4th day of March, 1889.

Electoral votes to which each State is entitled.	States.	For President.		For Vice-President.	
		Benjamin Harrison, of Indiana.	Grover Cleveland, of New York.	Levi P. Morton, of New York.	Allen G. Thurman, of Ohio.
10	Alabama.....		10		10
7	Arkansas.....		7		7
8	California.....	8		8	
3	Colorado.....	3		3	
6	Connecticut.....		6		6
3	Delaware.....		3		3
4	Florida.....		4		4
12	Georgia.....		12		12
22	Illinois.....	22		22	
15	Indiana.....	15		15	
13	Iowa.....	13		13	
9	Kansas.....	9		9	
13	Kentucky.....		13		13
8	Louisiana.....		8		8
6	Maine.....	6		6	
8	Maryland.....		8		8
14	Massachusetts.....	14		14	
13	Michigan.....	13		13	
7	Minnesota.....	7		7	
9	Mississippi.....		9		9
16	Missouri.....		16		16
5	Nebraska.....	5		5	
3	Nevada.....	3		3	
4	New Hampshire.....	4		4	
9	New Jersey.....		9		9
36	New York.....	36		36	
11	North Carolina.....		11		11
23	Ohio.....	23		23	
3	Oregon.....	3		3	
30	Pennsylvania.....	30		30	
4	Rhode Island.....	4		4	
9	South Carolina.....		9		9
12	Tennessee.....		12		12
13	Texas.....		13		13
4	Vermont.....	4		4	
12	Virginia.....		12		12
6	West Virginia.....		6		6
11	Wisconsin.....	11		11	
401		233	168	233	168

CHARLES F. MANDERSON,
ISHAM G. HARRIS,
Tellers on the part of the Senate.
DANIEL ERMENROUT,
CHARLES S. BAKER,
Tellers on the part of the House of Representatives.

Senator MANDERSON (one of the tellers). The total number of votes cast is 401, of which Benjamin Harrison, of Indiana, receives for President of the United States 233; Grover Cleveland, of New York, 168; and of which Levi P. Morton, of New York, receives for Vice-President of the United States 233 votes, and Allen G. Thurman, of Ohio, 168.

THE PRESIDENT OF THE SENATE. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 401, of which a majority is 201.

Benjamin Harrison, of the State of Indiana, has received for President of the United States 233 votes, and

Grover Cleveland, of the State of New York, has received 168 votes.

The state of the vote for Vice-President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice-President of the United States is 401, of which a majority is 201.

Levi P. Morton, of the State of New York, has received 233 votes, and

Allen G. Thurman, of the State of Ohio, has received 168 votes.

This announcement of the state of the vote by the President of the Senate is, by law, a sufficient declaration that Benjamin Harrison, of the State of Indiana, is elected President of the United States, and that Levi P. Morton, of the State of New York, is elected Vice-President of the United States, each for the term beginning March 4, 1889, and will be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The count of the electoral votes having been completed and the result declared, the joint meeting of the two Houses is dissolved, and the Senate will now return to its Chamber.

The announcement of the vote was received with applause on the floor and in the galleries.

The Senate retired from the Hall; and (at 2 o'clock and 20 minutes p. m.) the Speaker resumed the chair, and the House was called to order.

ORDER OF BUSINESS.

THE SPEAKER. The gentleman from Georgia [Mr. CRISP] raises the question of consideration against the conference report presented by the gentleman from Arkansas [Mr. PEEL].

Mr. PEEL. Mr. Speaker, I suppose that report can be called up at any time as a privileged matter.

THE SPEAKER. The gentleman will have a right to call it up at any time.

Mr. PEEL. Then I will not insist upon its consideration at this time.

SOUTH CAROLINA CONTESTED ELECTION—SMALLS VS. ELLIOTT.

Mr. CRISP. Now, Mr. Speaker, I want to state again to the House, so that there may be no misapprehension as to the intention of those having the case of Smalls vs. Elliott in charge, that there are two hours and thirty-seven minutes still remaining for debate; at the end of which time, by order of the House, the previous question is ordered. That will bring us to about 5 o'clock, and at that time we expect to ask a vote and to have the matter determined before the House adjourns. If I can be allowed to control the time on this side of the House I now yield thirty minutes to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Speaker, if I can have the attention of the House for a few minutes, after the proceeding which has occupied their thoughts for the last hour, I desire to make some response to the charges that have been made in the debate upon this election case against the people whom I in part represent upon this floor. I have not seen anything during my service in Congress that seems to excite so much delight upon the part of our Republican friends across the aisle as the privilege or opportunity of abusing one great section of this country, and one who has listened to the discussion of this election case would conclude that the unwarranted, the wanton, and often the malicious abuse of the Southern people is about the only "unfinished business" that the Republican party has left to it.

A great deal has been said about the registration law of South Carolina, and I want to explain to the House some of its provisions in order that it may go before them and before the country in its true light. The registration law of South Carolina was passed in pursuance of a provision of the constitution of the State, which was adopted by the Republican party and put upon the State of South Carolina by Republican votes, and it is in exact keeping with the constitutional provision which they adopted. If it is not in conformity with it, then the courts of South Carolina are open to every man who thinks that his rights are in any way infringed. It is a fact, however, that not a single man, white or black, Democrat or Republican, has ever questioned the constitutionality of that law. Not only is it a law passed in exact accordance with the constitution of the State adopted by the Republicans, but it is a fair and a just law. In many States of this Union it is required that a man shall register every time he votes.

In South Carolina if a man registers once in his lifetime and will preserve his registration certificate so that he may be identified at the polls, and will not change his residence, his voting precinct, or his

county, he has a right to vote without any additional registration as long as he lives. Surely no one can object to a law of that character. If he loses his certificate or if it becomes defaced or in any way gets out of his hands without his fault, then all that he has to do is to go to the registrar, upon the first Monday of any month in the year except the months immediately preceding the election, and have a new certificate issued upon making affidavit that the old one has been lost, misplaced, or defaced. In addition to that, if he is not satisfied with the result of his application he has a right of appeal to the board of supervisors in any county in the State, and if he is not satisfied with its decision he has the right of appeal to the circuit judge, and from there he can appeal to the supreme court of the State.

Now, after all the testimony that has been adduced in reference to this case, and after all that has been said about the law of South Carolina with reference to registration, it turns out that of the thirty-two thousand colored men in this district who are said to be voters and who are claimed by the Republicans as being devoted to the Republican party, only twenty-two men—only twenty-two out of thirty-two thousand—attempted to register and were not registered, and not a single one of them had so good a case that he was willing to appeal to the board of supervisors. That disposes, I think, of the whole question of registration. If those thirty-two thousand men are fit to be voters in the State of South Carolina, or in any other State (and they are voters under the laws of that State and under the laws of the United States)—if out of the whole thirty-two thousand only twenty-two have attempted to register and have had their registration refused, and if not one of those appealed from the decision of the registrar, then I say, Mr. Speaker, that all this gabble and talk about the unfairness of the registration law of South Carolina is the merest twaddle, and is intended for a different purpose than to reach a just conclusion in regard to this case.

Mr. JOSEPH D. TAYLOR. Will the gentleman permit me to ask him a question?

Mr. HEMPHILL. Certainly.

Mr. JOSEPH D. TAYLOR. Is it true that those who were twenty-one years of age at the time of the passage of that registration law who did not then register can not register now?

Mr. HEMPHILL. There has been no such decision. It has been stated upon the floor of this House that if a man comes into the State he can not now register. No man who had read the laws of the State could have made such an assertion if he intended to be honest. In connection with this subject a good deal has been said about one Bampfield, the son-in-law of the contestant in this case. The contestant praised him, and I have no doubt that he had a right to praise him, and I want to take occasion to say here that the spirit exhibited by the contestant in this case contrasts most favorably with the spirit manifested by other gentlemen who have presented arguments upon it on this floor.

Now, what does Bampfield himself say? He had a number of certificates issued by the registrar of Beaufort County. One of them, by some mishap, did not reach him. What does he do? He writes to the registrar saying that "the old man will be disappointed" if he does not get his certificate, and then he adds, "Thanking you for your uniform kindness and courtesy in these matters, and hoping that I may hear favorably from you, I am, very truly yours, S. J. Bampfield." That is the letter of the son-in-law of the contestant in this case. He thanked the registrar of that county for his uniform kindness and courtesy, and yet, when this case comes upon the floor of this House, every registrar in the State of South Carolina is branded as a corruptionist and a fraud, and as a man who swindles the people out of their dearest rights. Now, I do not want to consume very much time upon this point, and will call the attention of the House to the election law of the State of South Carolina.

Mr. JOSEPH D. TAYLOR. You did not answer my question.

Mr. HEMPHILL. Yes, sir; I did answer your question.

Mr. JOSEPH D. TAYLOR. If a man were living in the State—

Mr. HEMPHILL. If he were living in the State and were to apply to the judges for a certificate he would, in all human probability, have a certificate issued to him. There has never been any decision that he can not have it, and I have no doubt in the world that he would succeed if he made any effort to get it. There is no pretense here that, any one, under these circumstances, has made an effort to get a registration certificate and been refused.

Mr. JOSEPH D. TAYLOR. What does the law provide in regard to it?

Mr. HEMPHILL. The law provides that he shall have a certificate, in my opinion.

Mr. DUNHAM. Is that all?

Mr. HEMPHILL. I can not give you anything but my opinion, and I do not think that any man can give anything more than an opinion in such a matter. The law is there upon the statute-book for the construction of the court, and I say that not a single man has been denied a registration certificate who was entitled to it and has used his legal remedies to obtain it.

Mr. BURROWS. Will the gentleman allow me to read the law?

Mr. HEMPHILL. I have not time to have the law read now.

Mr. BURROWS. Only three lines.

Mr. HEMPHILL. I have no objection to your reading three lines.

Mr. BURROWS. After providing for the registration referred to, that of 1882, the language of the section continues:

After the said next general election the said books shall be reopened for the registration of such persons as shall thereafter become entitled to registration.

Those entitled to registration "thereafter." That is the language of the law.

Mr. HEMPHILL. But that does not exclude other people. When you provide that one man shall have a certain privilege you do not say that other men shall not have that privilege. It has never been so decided in South Carolina, and I think the opinion upon this side of the aisle will stand as of equal authority with the opinion on the other side of the aisle; and if the people of South Carolina are satisfied with the way the law stands, I need not trouble myself about it; neither need you.

Mr. MORGAN. Has any qualified voter ever been refused registration?

Mr. HEMPHILL. Not a single voter that I know of.

Mr. KERR. Does the gentleman think it is none of our business how the people vote in South Carolina?

Mr. HEMPHILL. Oh, no; I do not state that; but I say they have their rights, and they know what they are. If they are not satisfied with the administration of the registration law they can go to the courts; and they have not done so. That is what I say.

I wish now to call attention to the election law of the State. It is said that the election law of South Carolina is intended to cheat the Republicans out of their representation. I deny it. I am not going to pretend that the election law there is for the purpose of putting the Republicans into power; because we believe there that a white man is just as good as a negro—that is what we believe. We are perfectly willing that a negro shall have all his rights, but we do not believe he should have his rights and ours, too; and we are determined that he shall not, if we can keep him from it. That is all there is in it. [Applause on the Democratic side.]

Now, Mr. Speaker, I say that this election law is legal and constitutional. In one sense it is nothing more than a qualification for electors upon the educational principle; and if that can be adopted in Massachusetts why can it not be adopted in South Carolina?

But it is said by the Republicans that all the county canvassers and managers of elections are appointed by the governor. This is exactly the same thing that was done when the Republicans were in power in South Carolina. For eight of the longest years that any people ever suffered under any tyranny the Republicans were absolutely in power there; yet they had a law that the governor should appoint every commissioner of election, and they appointed the managers, just as is done under the existing law. If the Republicans are satisfied with that, and the Democrats are satisfied with it, why should gentlemen on this floor interfere, unless from that overweening desire to ram their hands into something that does not concern them? I say that the Republicans could have changed that law if they had wanted to do so, and they did not do it.

In addition to that the Republicans had an election law there which, I suppose, was entirely satisfactory to our friends on the other side. Under that law, after an election the managers who had received the votes simply took the box home with them and did whatever they pleased with it for three days after the votes were cast. There was no law requiring the managers to count the vote in public; there was no law requiring them to carry the ballots at once, with the box locked up, to the county canvassers. But they held the election, and for three days they kept the boxes at their own homes and did with them as they saw fit. The result was that no matter how many Democratic votes were cast, or how many Democratic voters there were to cast them, the Republicans every time came out on top. Now, the present election law in our State—the law passed by the Democrats—requires that as soon as the election is over there shall be a public count of the votes cast, and that every man who chooses to do so may see the result of the election.

Something has been said also in regard to the shifting of boxes on the day of the election. Now, let us see about that. It is claimed by the contestant that as soon as the voters arrange their ballots in a particular way the managers shift the boxes. What does the law say on this subject? It provides that "each box shall be labeled in plain and distinct Roman letters (just as plain as they can be printed) with the name of the office or offices voted for; and the managers, on the demand of the voter, shall read to him the names on the boxes" as they stand there before him. In other words, if the voter can not read and asks the manager to read to him, it is the sworn duty of the manager to read him the name upon every single box of the voting precinct. And at every voting precinct in South Carolina where Congressmen and electors for President and Vice-President are voted for there is a Republican supervisor, who can show by his affidavit or otherwise that that law has been violated, if there has been any violation of it. Yet there is no pretense on the part of any witness that any such jugglery as has been suggested here has ever been carried on or that a single manager has refused to perform his duty in this regard. Mr. Speaker, I merely wanted to say that much with reference to the election laws of my State.

There is another thing to which I would like to call attention. A

great deal has been said on this floor and elsewhere in the United States, especially in another body connected with this Congress, about the suppression of votes in the Southern States. Some people have whipped themselves up into a great passion about this. The gentleman from Illinois [Mr. MASON] who spoke the other day prematurely, and the gentleman from Illinois [Mr. ROWELL] who spoke more recently on this question, have delivered some terrific philippics against the Southern people for the suppression of the votes, as they say.

They declared on the floor of the House of Representatives that it is nothing less than robbery, and that the people of South Carolina stand convicted before their countrymen of the United States of a great crime in depriving these people of their votes.

Mr. ROWELL. If the gentleman refers to me he will find I referred to no voters but those in South Carolina.

Mr. HEMPHILL. I say in South Carolina; that is what I am taking care of now.

Mr. ROWELL. I confined myself to the Seventh district of South Carolina.

Mr. HEMPHILL. Well, we will take the Seventh district of South Carolina, if that will satisfy my friend any better. I say the speech he made and the violent passion he worked himself into, knowing the ability which he possesses, to me are strong proof that the gentleman, not having a good case on the facts, was adopting the old plan of abusing the other side when he could do nothing better. [Laughter and applause.]

Mr. ROWELL. I wish to say I was neither in a passion nor did I go outside of the record, but discussed simply and purely the facts in the case.

Mr. HEMPHILL. Let us get down to the facts as to these votes. Take, for instance, the vote of California, which usually goes Republican unless now and then a sudden streak of virtue passes through the State and it goes Democratic. California gave in 1854 58.8 per cent. of its vote, while Alabama, which goes Democratic, gave 59 per cent. of its vote. Connecticut gave 77.4 per cent. of its vote, while Florida gave 97 per cent. of its vote. Maine, where the great Republican statesman comes from, the leading statesman of this country in the opinion of a great many men, gave 69.1 per cent. of its vote, while Tennessee gave 78.6 per cent. of its vote. I have here a table which shows the per cent. of the vote cast in six other Northern States and in six Southern States:

States.	Vote.	States.	Vote.
	<i>Per ct.</i>		<i>Per ct.</i>
Nevada.....	40.9	South Carolina.....	44.5
Massachusetts.....	60.3	North Carolina.....	91.1
Pennsylvania.....	82.2	Texas.....	84.7
Vermont.....	62.1	Virginia.....	85.2
Illinois.....	62.1	Kentucky.....	73.3
Rhode Island.....	42.6	Mississippi.....	50.3

If you add up the percentage of votes in these nine Northern and nine Southern States you will find in the Northern States it is 61.72 per cent., while in the Southern States it is 73.74 per cent.; so that in nine States of the South we have cast 12.2 per cent. more votes than you have cast in an equal number of States in the North.

Mr. JOSEPH D. TAYLOR. Where does the gentleman get his figures from as to the Southern vote?

Mr. HEMPHILL. I got the Southern vote from the same book I got the Northern vote from.

Mr. JOSEPH D. TAYLOR rose.

Mr. HEMPHILL. It is the vote of 1854; and I will give you something more if the gentleman will only keep quiet. Down in Florida it takes 28,268 men to elect a member to this House, and Florida is a Southern State; but in Massachusetts, where they have learned and patriotic men, where the people are supposed to have so much liberty, and where the breezes which blow through the heavens are not half as free as the voters on election day are said to be, it takes only a vote of 20,440 to elect a member of Congress. In Florida it takes 28,268, while in Massachusetts it takes 20,440.

Mr. MILLIKEN. How much does it take to elect a member of Congress in South Carolina?

Mr. HEMPHILL. I will answer. [Laughter.] I do not say we cast so many votes, because we have a way down there—whites and blacks—when we get a good Democrat in we let him stay.

Mr. MILLIKEN. How many votes did it require to get to that happy state? [Laughter.]

Mr. HEMPHILL. Do not trouble yourself about that little matter. We will take care of ourselves. The trouble with us is that you want to take care of us. We can take care of ourselves if you will only let us alone.

Let us come to Rhode Island. In the first district it is—

Mr. LONG. You know it does not trouble Massachusetts men.

Mr. HEMPHILL. I understand that Massachusetts and South Carolina have many points in common. You know how to get along. You let well enough alone. Take the great State of Rhode Island, a

great State in many respects, with not a very great area in size and not very big on the map. Our friend Mr. SPOONER, a mild-mannered, good, conscientious gentleman, comes here from a district that takes 6,636 votes to decide who shall represent it, while in the second district, where our friend Mr. ARNOLD comes from, it takes 15,630 votes to determine who shall represent it. Now, gentlemen, according to your logic, and I will not depend upon my own statement as to what your logic is, for I have it here from Mr. KENNEDY, a gentleman on your side, who delivered a speech on the tariff question—according to your own logic, there is something wrong about that, for he says, in speaking about the general suppression of votes in Alabama:

ALABAMA.

Now go to Alabama.

	Votes.
First district, Jones, Democrat, no opposition.....	4,236
Second district, Herbert, Democrat, no opposition.....	5,659
Third district, Oates, Democrat, no opposition.....	4,662
Fifth district, Cobb, Democrat, no opposition.....	6,333

DEMOCRATS CONTROL BECAUSE OF THESE FRAUDS.

Could there be any possibility of a more systematic and determined suppression of the votes of any part of the Union? And yet it is by these very votes, which have been literally blotted out, that these gentlemen are enabled to stand here to-day in control of this Chamber and threaten the destruction of that system of protection which has built up and diversified the industries of this country and enriched it beyond any other nation upon the civilized globe.

While the votes of these Southern States are being suppressed, and one man, by virtue of his living south of Mason and Dixon's line, is enabled by the ballot to wield as much political power as eight or ten men in other portions of the Union, it may be well for us to inquire how long this condition of affairs shall continue?

In the great State of New York, upon whose chariot wheels the Democratic party is clinging with the departing strength of despair, the election of 1886 showed in the—

	Votes.
First district, Mr. Belmont, Democrat.....	32,594
Twelfth district, Mr. Cockran, Democrat.....	26,782
Ninth district, Mr. Cox, Democrat.....	22,078

ONE DEMOCRAT SOUTH EQUALS TEN DEMOCRATS NORTH.

I commend these figures to my Democratic friends for their careful consideration. Not only is the Republican party completely destroyed in these States, but one Democrat in Georgia, Mississippi, Alabama, and Louisiana is as powerful as ten Democrats in the North. One Democratic ballot in Georgia is equal to ten Democratic ballots cast in Indiana, Illinois, New York, and Ohio, and greater than fifty in Oregon or Dakota.

In short, it requires about 30,000 votes in Ohio, New York, Pennsylvania, Indiana, and Connecticut to elect one man to Congress, while 27,433 elect ten Representatives in Georgia.

Could anything be more preposterous? Is it possible to present a more outrageous example of the trampling under foot of the rights and liberties of the people? Can any just or plausible excuse be given for such a wholesale destruction of the ballot-boxes of the land?

Mr. Speaker, when I hear such statements as these I can not help sympathizing with my Republican friend, Mr. SPOONER, and these gentlemen from Massachusetts, who, remembering the small vote they have received to give them seats upon this floor, must have felt these arguments cutting into their souls like the cold steel of the knife in the heart of a man dying by the assassin's hand. They must have realized this in a double sense, coming from their own side and knowing that according to the logic of the argument presented they were here occupying seats, pretending to represent their constituencies, by the suppression of votes and by willfully and fraudulently depriving the people of Massachusetts and Rhode Island of their dearest rights.

Under this wicked system of the suppression of votes in Northern States 40 per cent. of the voters of Massachusetts were wrongfully deprived of their suffrage, and one Republican protectionist in a district in Rhode Island is equal to four tariff-reform Democrats in Florida.

In the language of the Republican orator, Mr. KENNEDY, of Ohio—

Could anything be more preposterous? Is it possible to present a more outrageous example of the trampling under foot of the rights and liberties of the people? Can any just or plausible excuse be given for such a wholesale destruction of the ballot-boxes of the land?

If because the people of the State of South Carolina failed to cast their ballots you are going to argue that there has been a suppression of the votes there, I ask you to apply your own argument and your own logic to the States of Massachusetts and Rhode Island and other States which I could name, and when you do that you will begin to put yourselves in a position to be heard by the country and to command some degree of respect for that advice given to the South that seems to be the chief delight of many Republican statesmen of these latter days.

The same state of things as to the suppression of the Democratic vote exists in Virginia, as shown by the following table:

Counties.	Black.	White.	1884.		1887.	
			Repub- lican.	Demo- cratic.	Repub- lican.	Demo- cratic.
Amelia.....	7,340	3,037	1,048	590	748	None.
Greenville.....	5,650	2,757	1,088	540	671	None.
Nottoway.....	8,144	3,012	1,277	453	970	20
Sussex.....	6,701	3,361	1,442	750	916	None.

Mr. GALLINGER. What is the date of that election?

Mr. HEMPHILL. I will put the dates in with the tables that I will publish.

Let me call your attention to this: In the State of Virginia there are four counties, Amelia, Greenville, Nottoway, and Sussex, in which there were 2,334 Democratic voters in 1884. In 1887 there was not a single Democratic vote in three of these counties and only 20 in the other. Now, what has become of those votes? Why, according to the Republican logic, there has been a most outrageous suppression of the free ballot of a free people. In other words, the Democrats in Virginia did not have the power to cast their ballots for the men of their choice, if your reasoning is to hold good.

Now let us compare the votes of some other Northern and Southern States—the fourteen Southern States of South Carolina, Georgia, Alabama, Arkansas, Kentucky, Tennessee, Delaware, Maryland, Missouri, Texas, Virginia, West Virginia, North Carolina, and Florida, with the fourteen Northern States of Nevada, Rhode Island, California, Massachusetts, Vermont, Maine, Colorado, Connecticut, New Hampshire, Illinois, Pennsylvania, Oregon, Minnesota, and Ohio—and we reach the following:

Total per cent. of vote cast in fourteen Southern States, by States.....	1,011.5
Average per cent. of vote cast in fourteen Southern States.....	75.8
Total per cent. of vote cast in fourteen Northern States, by States.....	921.1
Average per cent. of vote cast in fourteen Northern States.....	71.4
Total balance in favor of Southern States.....	70.4
Average balance in favor of Southern States.....	4.4

The six New England States cast, out of 1,144,919 voting population, 746,844 votes, or 65½ per cent. of voting population.

The three Middle States of New York, New Jersey, and Pennsylvania cast, out of a voting population of 2,803,670, 2,332,177 votes, or 82½ per cent. of voting population.

The four border States of Delaware, Maryland, Virginia, and West Virginia cast, out of 744,070 voting population, 633,270 votes, or 85 per cent. of voting population.

The four Southern States of North Carolina, South Carolina, Georgia, and Florida cast 563,467 votes out of a voting population of 883,676, or 63½ per cent. of voting population.

The four Southern States of Alabama, Mississippi, Tennessee, and Kentucky cast 808,891 votes out of a voting population of 1,204,942, or 67 per cent. of voting population.

The four Southwestern States of Missouri, Arkansas, Louisiana, and Texas cast 998,093 votes out of a voting population of 1,321,347, or 75½ per cent. of voting population.

But, sir, another thing upon the subject of the colored man. If he is so dear to your heart—and I want to say that I am not here to protest any undue affection for him, for I am not going to hurt your feelings by attempting to take your place and stand in with him—but upon the subject of the colored man let me make a suggestion which is pertinent to this question: Why do not some of you elect a colored man to Congress and make a living example of his fitness to frame laws for the people of this country? [Applause on the Democratic side.]

Now, there are a number of Republican States of this Union that have quite a large negro vote, notably I might mention New York, New Jersey, Pennsylvania, and you know as well as I do that there would not be a very strong probability of those States going Republican except for the large number of colored voters in them. Yet in those States which have from 3,000 up to 23,000 colored voters, have you ever sent one of them to Congress? The colored people have been free in the United States since 1863 or 1865, at least. They have been full-fledged citizens ever since 1868, and yet out of all the Northern States having a large number of these votes in them, having quite a large proportion of colored population, and in some States they having the power to keep the Republican party in or turn it out, I ask if you know of a single instance of the election from any Northern State of a colored man to Congress, or of any man who had a tinge of colored blood in his veins?

Mr. HOPKINS, of Illinois. Will the gentleman from South Carolina give me a single Congressional district in any of the Northern States which he has mentioned where the colored vote is 20 per cent. of the vote of the district?

Mr. HEMPHILL. That is exactly it, and I wanted the gentleman to state that. Whenever the colored man in a district has not enough votes to put his own color in he never gets in. [Applause on the Democratic side.] If you want a colored man in office, and if he is as good as the white, as you say, why do not the white men unite and vote for him to give him a place?

Mr. HOPKINS, of Illinois. Can the gentleman give a single instance in any Northern State where the colored man has aspired to come to Congress?

Mr. HEMPHILL. No, sir; I have never known of a colored man in a district in the Northern States who has had the assurance to presume to suppose that they would give him the office even if he did aspire to it—not one.

Mr. HOPKINS, of Illinois. Do you know as a matter of fact that the white men take care of the interests of the colored men in the North?

Mr. HEMPHILL. Oh, yes. I know they do. Just as we do in the South.

A MEMBER. And do you not know that they elect them to office?

Mr. CHEADLE. Will the gentleman yield to a question?

Mr. ROWELL. Colored men have been elected to the State Legislature in Illinois.

Mr. HEMPHILL. The gentleman from Illinois says that there have been colored men elected to the State Legislature in Illinois, and another gentleman says also in Ohio.

Mr. CHEADLE. Will the gentleman permit a question?

Mr. HEMPHILL. No, I can not now; one at a time and I will answer.

Mr. HOPKINS, of Illinois. You say the people of the North have never voted for a colored man for any office. I want to show you—

Mr. HEMPHILL. I do not say that they have not.

Mr. HOPKINS, of Illinois. Colored men have been elected to the State Legislature.

Mr. HEMPHILL. Why, we elect them in South Carolina. It is so common a thing to do so that we do not think of mentioning that. We elect them as Republicans and elect them as Democrats, and the first time I was ever in the State Legislature my two colleagues from the same county were colored men.

I do not say, Mr. Speaker, that colored men throughout the North have not occasionally crept into the Legislature; but of the fact that they do go to the Legislature of South Carolina I know of my own knowledge, and I know that this has always been true since 1868. There has not been a meeting of the General Assembly of the State of South Carolina in twenty years that has not contained colored men, both Democrats and Republicans. That can be easily verified by any gentleman who thinks that the colored man down there is not getting his full share of representation.

Mr. Speaker, if a stranger had happened in this Hall and heard the speeches made by my friends from Ohio and Illinois the other day he would have supposed that their affection for the colored man was so great that they could not sleep at nights unless they had their arms wrapped around his neck and his head in their bosoms.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. JOSEPH D. TAYLOR. I think it ought to be extended on account of the interruptions.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I ask to be recognized in order that I may give the time accorded to me to the gentleman from South Carolina.

Mr. MILLIKEN. I ask unanimous consent that the gentleman from South Carolina may be allowed to conclude his remarks, as he has been interrupted so much.

Mr. CRISP. I yield ten minutes more to the gentleman from South Carolina.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I had asked unanimous consent that he be allowed ten minutes on account of interruptions.

The SPEAKER *pro tempore*. The gentleman from Georgia has yielded the gentleman from South Carolina ten minutes more.

Mr. HEMPHILL. I was stating when my time expired that I have listened to those speeches a stranger would have drawn a peculiar picture. Now, I have taken occasion to learn to some extent how colored people are treated in the North, and though I have not time to go through the whole thing, I have a statement relating to the way they are treated in Chicago, Ill., the State from which my friends Mr. ROWELL and Mr. MASON come. Here is an interview with colored men in a paper printed at Chicago, the Herald, of December 12, 1887, of two or three columns, and in it it is declared that the colored men have not as many rights in many ways in the city of Chicago and the State of Illinois as they have amongst the people of Atlanta and other Southern cities.

Mr. GUENTHER. That is a very poor source of information.

Mr. ADAMS. Does he specify?

Mr. HEMPHILL. Yes; he specifies.

Mr. ADAMS. It is all untrue.

Mr. HEMPHILL. Well, we will see whether it is or not.

Mr. GALLINGER. The Herald is a Democratic paper.

Mr. HEMPHILL. That is all right, and therefore it is truthful.

Mr. Barnett, a colored lawyer, of Chicago, says that a colored boy can not get into a trade union, and can not learn to be a brick-mason, carpenter, or any other trade where any skill is required to make a living.

Mr. ADAMS. All American boys, white or black, find the same difficulty in learning trades.

Mr. HEMPHILL. Then Chicago is worse than I thought it was. It is bad enough to treat a poor darkey that way, but when you treat everybody that way it is worse than I thought.

Mr. ADAMS. But the difficulty is not confined to Chicago. It is so in all large American cities. American boys do not have a fair chance to become apprentices and learn trades.

Mr. HEMPHILL. The Herald says editorially:

The Herald once more lays before its readers an exhibit of the quiet brutality with which the colored man is treated in Chicago. Probably his life here is as happy as elsewhere in Northern cities. The canting politician who weeps over the wrongs of Eliza Pinkston raises his hands in horror whenever he hears that a white Southerner will not accord social equality to the negroes. This same philanthropist, if he keep a store or restaurant, will not hire colored salesmen in his store or serve colored patrons in his restaurant. The restrictions

that surround a respectable colored man and his wife are well-nigh incredible. To realize or conceive those limitations a white man must put himself in close companionship with the victim of the proscription. Theaters, restaurants, barber shops, and even churches are practically closed at all places north of Van Buren street. No trade or trade union is open. Money, therefore, is earned toilsomely, and it does not bring the advantages of a white man's cash. Difficult of acquirement, the medium of traffic is not a medium after it is obtained. The other day a white bulldog killed a cat, as many a dog has done. The society to prevent white bulldogs from killing cats now has the responsible wrong-doers in its grasp and promises to improve public morals before it shall let go the case. But the society for the prevention of needless cruelty to colored men and women in Chicago would be more to the end of justice. For every dog that kills a cat there are a hundred white men who enforce heartless exactions or ostracisms on worthy negroes. It is the belief of careful observers that a black man's feelings are hurt oftener in Chicago than in Atlanta or New Orleans.

Now, here is another case up at Marion, Ill.

Mr. GALLINGER. That is in Mr. TOWNSEND'S district.

Mr. HEMPHILL. That is all right; and it shows that sometimes the Democrats are as bad as the Republicans in their treatment of the negro. I have just read to you an interview showing how they were treated in Chicago. I will read to you what was done with them up at Marion, Ill. Here was a man who had a tobacco factory, and he carried a number of colored men up there to work in that factory; and what do you suppose the white people did?

His conduct greatly enraged the white workmen and they sent notice to the colored men warning them to leave town within ten days or receive summary punishment, and they threatened that if these colored men were not put out of that factory they would not only burn the factory but would burn the homes which the colored men were living in. That they did in Chicago—

Mr. ADAMS and others. Not in Chicago.

Mr. HEMPHILL. Not in Chicago, but in Illinois. Our friends on the other side seem to be a little disturbed on this subject. Now, I want to read what a Southern Republican says about all these pretenses of affection for the colored man on the part of the Northern politicians and stump orators. There is a prominent Republican down in Georgia by the name of Governor Bullock, and he says that "the harangues of Northern politicians about the oppression of the negro in the South are rot," pure and unadulterated rot. He says, further, that the manipulation of the politics of the South is another thing, and not pure and unadulterated patriotism.

I take now another Northern Republican State, Rhode Island—how do you think they show their affection for the darkey there? If a colored man in Rhode Island insures his life and happens unfortunately to die, his heirs can get but two-thirds of his insurance money, while the heirs of a white man get the whole of it. That is an actual fact, or was until a few months ago when the Legislature took action on it. [Laughter on the Republican side.]

Mr. GUENTHER. Read the law.

Mr. HEMPHILL. Here it is in black and white, and it shows that the Legislature of the State of Rhode Island became suddenly so much aroused upon the subject of the rights of the darkey that they actually went to work and passed a law to prevent the insurance companies from swindling him out of one-third of the money that would be due to his family in case of his death. [Laughter and applause on the Democratic side.]

Take the State of Kansas, "bleeding Kansas." You know there was a bill introduced into the Legislature of Georgia called the Glenn bill, which was intended to prevent the colored people and the white people from sending their children to the same school. The bill was the subject of a good deal of unfavorable comment in the North, and in a certain town in Kansas, Fort Scott, I believe, the negroes did not have any better sense than to suppose that their vociferous friends meant what they said, so they undertook to send their children to the white schools, but in every single instance they were turned out. There was one poor little girl who did not have enough colored blood in her to show what race she belonged to, and the teacher received her and taught her for one day, but the moment it was discovered that she was tinged with African blood they turned her out, and she had to go and seek an education in some other way.

The account continues:

The matter has been carried into the courts, which appear bound to decide in favor of mixed schools; but it is evident that the great body of the whites will not accept this policy, the opposition being so strong that the local Republican organ protests earnestly against any attempt to enforce it.

Mr. FUNSTON. I deny your assertion. [Cries of "Regular order!" on the Democratic side.]

Mr. HEMPHILL. Well, you may deny it, but that does not hurt it.

Mr. FUNSTON. Mr. Speaker—

Mr. HEMPHILL. I will not yield to the gentleman now.

Mr. FUNSTON. Well, I say you make a false charge.

Mr. HEMPHILL. It is not worth while to get excited and let your passions run away with you.

Several MEMBERS on the Republican side. What do you read from?

Mr. HEMPHILL. I read from the New York Nation. [Jeers and groans on the Republican side.]

Mr. STONE, of Missouri. That thing happened at Fort Scott, within 20 miles of where I live, and in the district of the gentleman from Kansas [Mr. FUNSTON].

Mr. HEMPHILL. Here is a gentleman [Mr. STONE, of Missouri] who says he knows that this did occur at Fort Scott.

Mr. FUNSTON. Where is the gentleman from, please tell me?

Mr. STONE, of Missouri. I live within 20 miles of Fort Scott.

Mr. FUNSTON. I represent Fort Scott.

Mr. HEMPHILL (to Mr. FUNSTON). Now keep quiet. [Laughter.]

Mr. FUNSTON. I say the colored people established their schools. [Jeers on the Democratic side.]

Mr. HEMPHILL. Take another State, the State of Ohio, from which one of the most distinguished Republicans in the country comes, Hon. JOHN SHERMAN. The colored people you know have been free at the South for the last twenty-five or thirty years, though they may not have heard of it up in Ohio. In that State they used to have upon their statute-books what they called the "black laws." Very recently the idea came to the Legislature of Ohio that they ought to repeal these, and one of these black laws was designed to keep the colored children out of the white schools.

Mr. JOHNSTON, of Indiana. A law passed by a Democratic Legislature. [Laughter on the Republican side.]

Mr. HEMPHILL. That may be; I do not know; but, anyhow, the Republicans have been in power there often enough and long enough to have repealed that law, if they wished to do so. In that State an attempt was made to put the colored children into the white schools; and what do you suppose was done about it? Why, there was a public meeting held of some 400 people in the town of Oxford, in the county of Butler, a county in which there are 41,400—

Mr. WILLIAMS (interrupting). A Democratic county which gives over 2,400 majority. [Laughter, and cries of "Sit down!" "Regular order!"]

Mr. HEMPHILL. Well, that is all right; that just proves what I said awhile ago, that so far as the North is concerned the Democrats and the Republicans feel the same way with reference to the negro.

Mr. WILLIAMS. Butler County is called the South Carolina of Ohio. [Laughter.]

Mr. HEMPHILL. That is a compliment for my State which I did not expect from Ohio.

But let us see what our friends are talking about.

The SPEAKER *pro tempore* (Mr. MCCREARY). The Chair will call the attention of the gentleman from South Carolina to the fact that his time has expired.

Mr. HEMPHILL. Well, I think it would be very unfair for our friends on the other side, after they have taken my time, to cut me off now. There are some things which I would like to tell them. I do not propose to occupy more than a few moments.

Mr. CHEADLE. I ask unanimous consent that the gentleman's time be extended for ten minutes.

Mr. JOHNSTON, of Indiana. And that the same amount of time be allowed on this side.

A MEMBER. Your side has already had an extension.

Mr. HEMPHILL. When the contestant spoke yesterday you gave him fifteen minutes additional.

The SPEAKER *pro tempore*. Is there objection to extending the time of the gentleman from South Carolina [Mr. HEMPHILL] for ten minutes? The Chair hears no objection.

Mr. HEMPHILL. Now, Mr. Speaker, I have a very few words more to say. Though I have a great deal of material here, I will not go into it all. I ask that in my remaining time I may not be interrupted.

Now, in this town in the county of Butler, in the State of Ohio, there were 41,435 white people and 1,140 colored. A meeting was held there to discuss this question, and this paper says that—

To the shame of some of these men it must be stated that they were Republicans, blinded by a fanaticism that can not but result in harm to this beautiful little town.

So it was not altogether the Democrats who took part in this movement. Well, they went to work and held a public meeting, and they instructed the board of education to separate the colored men's children from the white men's children. The proceedings continue:

In compliance with the above request the superintendent be, and is hereby, instructed to assign the colored people to the north building to-morrow.

That was the instruction which they gave when the first public meeting was held. Later there was another public meeting, to return thanks that they had gotten rid of the "darkies." In calling the meeting to order the chairman—

Asked the boys to be as quiet as possible—

The "boys" being spoken of, you understand, in a political sense. He—

Asked the boys to be as quiet as possible; that while they had cause to feel jubilant they could at the proper time give vent to their feelings.

All that he asked was that they should keep quiet while the meeting was going on.

One of the leaders in that meeting said that he would go security for the board of education, or the school board, that they should not suffer any pecuniary harm for having turned these colored children out in violation of the law. And what did he say when he was called upon to speak?

The colored people have the right of suffrage; more than this they can not expect. As for their social qualifications there are few of us here ready for that question.

Another speaker expressed himself as—

Highly satisfied to know that the children had been driven from the schools.

Another speaker said—

So soon as the colored man begins to push himself forward and dictate to his superiors in point of intellect and morality, then he awakens that great and powerful feeling of prejudice which has always existed in the heart of the white man against the negro.

That is the sentiment of the great State of Ohio as expressed by her leading citizens in a public meeting held for the purpose of returning thanks that the negro had been forcibly driven out of the public schools in violation of the law of the State. [Applause on the Democratic side.]

Mr. GALLINGER. Does the gentleman know that the State of Ohio elected a negro as a member of their electoral college at the last election?

Mr. HEMPHILL. Now, Mr. Speaker, occasionally when there is an election in some of these States the negro does slip into an office that has no salary connected with it; there is no doubt about that. [Laughter and applause on the Democratic side.] But a negro can not live on glory any more than a white man can.

Mr. GALLINGER. If the gentleman thinks that an answer, I am satisfied.

Mr. HEMPHILL. I do; and I will tell the gentleman another thing. I was up in the State of New York during the last campaign doing what I could for the cause of virtue and honesty. In a town which I visited there was quite a number of colored people; and out of thirty-four or thirty-five vice-presidents who were nominated for a large political meeting they gave one of those colored men the position of vice-president one night. That, I was told, was the single, solitary recognition that the colored people of that section of the country had received from any political party, and that came from the Democrats. Now, I know that our Republican friends do occasionally name a colored man for an office of this kind, and have his name read out from the desk as being one of the Presidential electors, and all that kind of thing. But there is no money in that, and what the colored men complain of in the North, as shown by these letters to which I have referred, is that they are not given a fair chance to earn an honest living. I might multiply these instances to almost any extent from the material now before me, all tending to show how the negro is treated in the public schools, churches, theaters, hotels, restaurants, and other public places throughout many Northern States, but I will not consume the time of the House. The cases I have cited fitly illustrate the general feeling on this subject as shown by actual occurrences among the people.

Let me only add the closing sentences of an editorial on this subject taken from the Detroit Journal of November 22, 1888, as follows:

When, by intelligence and refinement and achievement in the various callings and occupations of life, the colored race has wiped out the memory of its degradation in slavery, it will walk on the same plane of equality with the white man; but, it is to be feared, not before. In the mean time the North, with unconscious and cynical hypocrisy will continue to scorn the Southern people for their contemptuous treatment of the negro, and so far as they find it necessary to "keep the negro in his place" will also continue imitating them. No preaching of the gospel, no learned disquisition on the equality of all men before God and the Constitution, no satire or ridicule of the inconsistency will abolish these prejudices.

And the following extract from a letter written by a Northern preacher, now residing at the South, and recently published in the Christian Union, formerly edited by Henry Ward Beecher:

Since coming to live in the South I am persuaded of what I before suspected—that the social condition of the negro in the South is infinitely higher and far more expressive of a Christian humanity than in the North. Here he has separate railroad cars, churches, and schools, and this is in accord with his universal preference, so far as I have been able to discover. In these he feels a proprietorship and independence. No one dares to insult or molest him. He prefers to associate with his own people. In the North the respect for the colored man is mainly one of sentiment, and flourishes best when he is out of sight. He is admitted to the conveyances and schools and churches of the whites, but he is in a thousand ways made to feel that he is tolerated and not welcomed. There is nothing plainer to me than that in the matter of race prejudice the balance as to quality is largely in favor of the South. There is among the Southern people a warm, intelligent interest in the future of the negro that has no existence among the sentimentalists of the North. In fact, the North knows as little about the actual condition of the negro in the South as it does of the real heart of the Southern people. I am well satisfied that partisan papers and stump orators of the North have, for political capital, willfully and maliciously traduced the South.

Our friends have spoken a great deal about a free ballot and a fair count. I know no people more interested in having a free ballot and a fair count and some solution of this negro question than we of the South. These people are right there in our midst. They are there and will remain there. "Sink or swim, live or die, survive or perish," we must go together.

But I say, Mr. Speaker, it does not lie in the mouths of the people who treat this race in the way our friends here have treated them to attempt to give us advice, and particularly on the question of honesty at the elections, until they have gone and done some missionary work amongst their own people living in their own communities.

All this talk about the rights and wrongs of the negro, and what effort to place him into advanced positions, can bear no good results.

When the speakers do not believe what they say, and many I fear do not, it is simply hypocritical, and when they do believe their own statements, it amounts only to an ill-advised effort to force from the negro what the Almighty has never put into him, and that is the ability to rule the Anglo-Saxon race. We of the South are not only willing but anxious to give him justice. We believe that it is wisest, that it is the only fair way to treat him, and that it is the only mode of treatment in which we can maintain our own self-respect and command the respect of the good people of the other portions of this country. We will gladly take him by the hand and lift him up, and do the best we can for him; but we are not willing that he should take us by the hand, pull us down, and do the worst he can for us.

One of the best ways of judging of the treatment of the colored race, or any other, is to consider the efforts made for its elevation in the way of public schools and other institutions that tend to the advancement of a people. It is generally believed that the colored people in South Carolina do not pay exceeding one-tenth of the total taxes, and yet last year the number of colored pupils attending school in South Carolina was 103,334, and the number of whites was 90,100. During the same period there was over fifteen hundred colored teachers employed in the public schools of the State. In a public address delivered by Rev. Dr. A. D. Mays, a Northern gentleman who has devoted himself largely to the educational interests in the South for a number of years, he made the following remarkable statement:

I undertake to say that no people in human history has made an effort so remarkable, all circumstances considered, as the people of the South during the past fifteen years, in what they have already done for the schooling of their children. In many of their cities their schools will compare favorably with those of other parts of the country. Their reviving colleges and academies are mainly in the hands of able and devoted teachers. Their schools for girls are improving, and there is a great deal of interest in the higher education of women. Their teachers, as a body, are doing more good work for less pay than any class of their profession in our country, and not unfrequently are making sacrifices which amount to absolute heroism in their devotion to their work. I have just come from the State of South Carolina, where I have seen the largest audience-rooms in a score of her principal towns and cities crowded with their best people to listen to addresses on public education. And, generally, there is no topic of public speech or private conversation that now seems more generally interesting and even electric, through great portions of these States, than this. Last year the Southern States paid no less than \$17,000,000 for the education of their children and youth of both races; probably five or six millions for the schooling of people who were held as property twenty-five years ago. And when one has seen the actual condition of the Southern people, as I have witnessed it, he can understand that \$17,000,000 does not represent countless millions in our wealthy, prosperous, and powerful North.

A great deal has been said about suppression of votes in South Carolina; about fraud being perpetrated by election officers; about 25,000 voters in one district being deprived of their right to vote, and yet the fact stands out uncontradicted that not a single one of these 25,000 men appealed from the decision of the registrar or managers of election, and not one of the men who are alleged to have perpetrated this enormous wrong has been arrested or brought to trial in the United States court where Judge Bond presides, and he is one of the strongest Republicans in the United States.

These same charges have been brought up against us in the past. The Government sent down lawyers from Pennsylvania and Ohio and from Georgia to convict men of crimes with which they are charged, and in one instance the jury was assembled and by solemn resolution, before the case was put on trial, these jurors swore among themselves they would convict these defendants of the crime with which they were charged; and yet notwithstanding that, notwithstanding the ability of the lawyers, notwithstanding the judge was a Republican, when the case was presented there were no facts which could be found to sustain a conviction, and notwithstanding what the jury had sworn to do they were unable to render a verdict of guilty.

It will be the same thing again, gentlemen. These officers have not been guilty of the crime they are charged with. If they are, there are the courts of the United States and of the State, which are open to the 25,000 people who are said to have been deprived of their rights and privileges. I say it is a poor showing for the colored people to say 25,000 of them have been deprived of their rights and privileges as American citizens, and yet they have not taken one single step to bring the perpetrators of that wrong against them to justice. [Applause on the Democratic side.]

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. HEMPHILL. Mr. Speaker, my effort has been to show that the registration and election laws of South Carolina are not snares, but that they are reasonable and just; that our election officers are not criminals, as has been charged, and that if there be any race prejudice the same thing exists in Northern States, and that as citizens of the several States we ought in justice and fairness to judge each other in charity and not in harshness.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. HEMPHILL. The only thing further I wish to ask of the House is that I may have the privilege of inserting some figures which I have in relation to this question.

There was no objection, and it was ordered accordingly.

Mr. LODGE. I will yield half my time to the gentleman from Wisconsin [Mr. LA FOLLETTE].

Mr. COOPER. Before the gentleman from Wisconsin proceeds I would like permission to make a statement. I will say that I did not consume

the entire hour to which I was entitled on yesterday, but concluded my remarks having exhausted all of the hour but five minutes, which time, however, I did not reserve. I supposed this side would have the benefit of the time and that it was not necessary to reserve it, but I should be glad to have an understanding now, so that I may have the benefit of the remaining minutes.

The SPEAKER *pro tempore*. The gentleman from Ohio did not use all of his time. There were five minutes of it yet remaining.

Mr. CRISP. But I do not understand, Mr. Speaker, that that time belongs to the gentleman. The addition of that time would entirely change the arrangement heretofore made. We have agreed upon a time for the vote. This is a new proposition.

Mr. COOPER. I am not making any proposition in reference to it at all. I am only stating that I consumed but fifty-five minutes of the time, and if I am entitled to the remainder I should like to be permitted to dispose of it as I please. I did not reserve the time for the reason that I have stated.

Mr. CRISP. I hope the gentleman will not insist upon changing the agreement heretofore entered into.

The SPEAKER *pro tempore*. The Chair will announce that when the debate began this morning the contestant had one hour and twelve minutes, and the contestee one hour and twenty-five minutes, of the time remaining for debate. The Chair understands the gentleman from Wisconsin [Mr. LA FOLLETTE] has the floor now for the time yielded to him by the gentleman from Massachusetts [Mr. LODGE].

Mr. LA FOLLETTE. Mr. Speaker, looking at the map of the Congressional districts of South Carolina, one's eye can not fail to be arrested by the peculiar outlines of the Seventh, with its strange curves and curious angles. The straggling and vagrant boundary seems to have been wandering in search of every point of the compass, but an examination of the political character of that part of the State, furnishes a ready explanation for its extraordinary shape. Turning to the census report one quickly discovers that every effort has been made to gather into this particular district that section of the State which is settled almost exclusively by colored voters. The limits of the district have little reference to the county or township subdivisions. It comprises only three entire counties, but includes portions of six other counties, and even divides townships. It is known in South Carolina politics as the "Black district" of the State. The registered vote of the district indicates a colored majority of 25,000. The entire vote is 40,588, and the entire colored vote, prior to registration, was 32,893.

The district has been since apportionment a conceded Republican district. It was formed to incorporate as far as possible the almost solid Republican precincts of the State; but greed for office and a fixed determination to suppress the colored vote led the Democratic managers of that Congressional district to perpetrate the crimes which bring this case before the House.

This was rendered comparatively easy by the passage of the South Carolina election law, a law which outrages every principle of honesty and right, tramples under foot the Constitution of the United States, and stifles the voice of the legal Republican voters of that district. The law provided that all voters should register at the general registration in the months of May and June, 1882. It provides only for subsequent registration by such voters as thereafter attain their majority; and for the reissue of registration certificates only to voters whose registration certificates have been lost or destroyed. Its provisions were designed to allow all election officers and managers to be of one political party. It excludes from the voting-places all persons excepting the managers and clerks of election and the voter. It provides eight different ballot-boxes, to be located as near each other as the managers determine, and their relative positions changed as often as they please. It therefore leaves the control of all the steps preliminary to ballot, of all the arrangements for election and the election itself, as well as the count of the ballots, and the return, entirely and exclusively in the hands of the dominant political party. While it provides that the count shall be publicly made, it is held to be a compliance with the law if the public is excluded and kept at such a distance as to be beyond hearing and only in sight of the performance.

Such in brief is the election law which inspired and stimulated the contestee to make the successful attempt of wiping out an enormous opposing majority and securing the certificate of election to a seat on this floor. It is a matter susceptible of easy demonstration, if gentlemen will indulge me with their attention, that this is one of the most outrageous wrongs ever perpetrated upon the sanctity of our elections or sought to be foisted upon the credulity of this House. It was accomplished by three different methods: first, by preventing registration; second, preventing registered voters from voting; third, reversing the result of the ballot in the count and return.

William Elliott, the Democratic candidate, was given the certificate of election. His majority according to the returns is 532.

I can not trespass on your time to quote extendedly from the eight hundred pages of testimony in this case. Indeed, it is hardly necessary. The case is strongly proven when fairly stated. The enactment of the law itself was plainly for the purpose of disfranchising the colored voters of the State. The officers evidently understood what was expected of them from the first.

PREVENTING REGISTRATION.

Registration offices were opened in localities where it would most inconvenience the largest possible number of colored voters to appear for registration. They were forced to travel long distances in order to present themselves to the proper officer; then compelled to return day after day awaiting his pleasure; to stand from morning till night before this indifferent, leisurely scoundrel, while he furnished the proper certificate to the Democrat, the white man, promptly and without delay.

In proof of this listen to this evidence from the record:

Henry Singleton (colored) was one of a large number of witnesses who testify that they offered their votes for Robert Smalls, but were rejected because they had been cheated out of registration. He applied at the first registration in 1882, for two entire days at one place, where his persistent supplication was not rewarded with even a response from the official. He followed the officer to another place of registration and there importuned him for three days, informing him that he had to walk 8 miles back and forth. He was refused.

Ben Mellwain (colored), another, spent two days in an effort to get his certificate. He says:

I tried as hard as I could. I called his attention for a long time; he was doing nothing but tapping with his pencil. He did not give any reason for not registering me.

On cross-examination he says:

He registered four or five white people to one colored man.

Solomon Laws (colored), another, applied for registration for two days at one place and one day at another. He stood for hours and called out his name, but the officer would not pay any attention to him. He was within 4 or 5 feet of the officer.

Frank Seymour (colored), another, spent two days and a half at one place and one day at a second. He got within 2 feet of the officer. He remained from 9 o'clock a. m. till 4 p. m. Many received certificates who were not so near. He failed altogether.

Moses Brittan (colored), another, sought registration in 1882. He stood for two days each at Gordon's Mill and Sumter Court-House near enough to touch the officer with outstretched hand from opening till closing of the office. He was ignored, and is therefore disfranchised under this law.

E. D. Peterson (colored), another, applied at the first general registration for nine succeeding days. He sought the office of the register; approached so near that functionary as to reach the table at which he worked. He says: "I asked him to please register me; he always said, 'All right; directly.' He was registering people all the time, but registered them that came up after me."

Richard Thompson (colored), another witness, secured his certificate in 1882, but lost it and applied seasonably to the proper officer in 1886. That worthy varied the performance with a little lying, and explained to the applicant that it would be quite unnecessary for him to have a new certificate; he was so well known that he could vote anyway. When he offered his ballot it was promptly rejected because he had no certificate of registration.

These and many other witnesses swear that they made every possible effort to secure registration and were persistently and unlawfully refused by a Democratic official; that they afterward offered their votes for General Smalls and were rejected by Democratic managers of election because they were not registered.

This is a fair illustration of the manner in which colored Republicans have been disfranchised in South Carolina by the thousands. Go a step farther into this case and take a better view of the system.

With all the barriers, obstacles, and hindrances to registration there was still a great majority to be disposed of in this Congressional district. The party friends of the gentleman now occupying General Smalls's seat on this floor planned to despoil that majority of their district upon election day. This was to be accomplished in various ways, each, if possible, more dishonest than the others. The purpose of the inventors of this election scheme now became strikingly manifest.

PREVENTING REGISTERED VOTERS FROM VOTING.

The provision respecting residence and registration offered, as it was plainly designed to, unlimited scope for artifice and jugglery on the part of the Democratic managers of the elections. In no instance did they neglect their opportunities. If a colored voter had moved into a different house upon the same farm in the same voting precinct it was held to be a change of residence and his vote rejected. If, without moving his family from the house, he had gone out to work by the day or month temporarily it was decided a change of residence. If the name of the farm or plantation on which he resided when registered could be made the subject of variation his vote was promptly excluded, though it was conceded that his residence had not moved a foot since his registration.

As a sample of this sort of work I cite a few of the hundreds of witnesses who swore in this case that they duly presented their registration certificates at the polls, and offered their votes for Robert Smalls, but were rejected for the reasons stated.

The certificate of Edward Harrison (colored) was regular, and stated his residence as "Bloom Hill, Manchester township." Bloom Hill is the name of the plantation owned by one Owens. Edward Harrison

had lived there for twenty years. Thirteen years ago he bought the little piece of Bloom Hill which he then occupied, and where he has continuously resided since. He was rejected because his residence was not Bloom Hill, and had only been formerly a part of Bloom Hill.

Wade Hampton's name did not save him. He is a colored man. He was duly registered in 1882 as residing at "Lawrence Dow Place, in Manchester township or parish." His vote was rejected by Bob Owens, a manager. The witness says:

He objected because I had moved out of the house I was in. I voted at the Cleveland and Blaine election on the same certificate. I have not moved since 1882 from the place of residence marked on that certificate.

Richard Singleton (colored) was registered at the general registration in 1882, and the following certificate issued to him, which he still has in his possession:

[Registration certificate No. 4167, Sumter County, Sumter township or parish; election precinct, Sumter No. 1.]

The bearer, Richard Singleton, is a qualified voter in the above precinct, and resides at estate of Jno. Moore's land in Sumter township or parish, and is twenty-four years of age and is entitled to vote at said precinct.

Registered on 21st day of June, A. D. 1882.

P. P. GAILLARD,
Supervisor of Registration.

He attended Sumter precinct and offered his vote for General Smalls. It was refused by John Schwen and Keels, the Democratic managers of the election, for the following reasons, as given by the witness:

They said the certificate was not right. They asked me what place I was living at, to which I replied on Singleton Moore's place, which had been the place of John Moore, who is dead. When I obtained my certificate John Moore was dead, but Singleton Moore had charge of the place. It is generally known as John Moore's place. I voted at the election before this on the same certificate. I was then living at the same place. The managers did not state that the reason for rejecting my vote was because I had changed my residence. I stated to them that Singleton Moore and John Moore's place is the same. All they (the managers) stated after looking at the paper (was) that "It is not right; pass out."

In further demonstration of the noble, high-minded, and delicate sense of "Southern honor" displayed in making the law a "hocus-pocus science that smiles in the face" of the colored Republican while it steals his vote, mark still another case:

Gabriel Wright (colored) sworn, says:

"I am fifty-six years of age; live in the township of Sumter, and am a farmer. I attended Sumter precinct to vote for General Smalls. The manager asked me for my certificate, and I had to go home and get it. After coming back Scleverin (manager) objected to me."

The following is a copy of the registration certificate:

[Registration certificate No. 5025, Sumter township or parish; election precinct No. 1.]

The bearer, Gabriel Wright, is a qualified voter in the above precinct, and resides at his own land, and is fifty-one years of age, and is entitled to vote at said precinct.

Registered on the 30th day of June, 1882.

P. P. GAILLARD,
Supervisor of Registration.

Continuing, witness said:

At the time I registered I was living at Sumter on my own land. When I offered to vote I was living at the same place. About two years ago Mr. Barnett bought the place, but I did not move from it till last Christmas (long after the election).

This witness had not changed his residence, and the managers well understood that he had not, but rejected his vote because he had sold, though he had not moved from, his land.

But, sir, the proof is ample that the same managers guilty of these abuses permitted Democrats to vote without let or hindrance, without even requiring the production of certificates or halting them with a single question.

T. J. Turney (colored), sworn, says:

I reside in Sumter; am a farmer; attended Sumter precinct at the last general election; remained there from opening to closing of polls. I kept a poll-list of those that voted and those that were rejected. The list of the voters I kept is not very correct because they admitted the voters into a house that I was not permitted to go in, but the list of rejected voters is correct, owing to the fact that every rejected voter gave me his name upon being rejected. One hundred and eighty-four were rejected. They belonged to the Republican party. I saw persons voting who did not present their certificates. They were Democrats.

J. R. Smith (colored), the supervisor of Lynchburgh precinct, was a sore annoyance to the Democratic election managers. Sworn as a witness, he says:

I live in Lynchburgh precinct; attended at the last election (1886) from 6 a. m. until 6 p. m., as a supervisor. Of my own knowledge I know of about 100 who had no certificates, and of 94 who had certificates that were not allowed to vote. A majority of the rejected voters belong to the Republican party. I kept a poll-list. At the commencement they had the registration books before them; in the course of time a manager got up, had a conversation with another one, the registration books were removed from the table to the counter; when a white man presented himself to vote they would not refer to the books; only done so when a colored man came, and would ask the colored man a good many questions, and if they missed their residence would not allow them to vote. I am satisfied that all the ones that voted before they moved the registration books were legal, but those that came in afterwards I could not tell. The books were removed and I could not tell whether they had a right to vote or not, and I asked them to let me look two or three times, but they would not let me look.

Comment is unnecessary.

The record in this case proves beyond denial the rejection of 278 duly registered and legally qualified voters in the Seventh district of South

Carolina at the Congressional election of 1886 who appeared and offered their votes for Robert Smalls, the contestant. He has not taken the testimony of the thousands of Republican voters throughout that district, barred of their rights in the same shameful, lawless manner. He has furnished enough and more than enough to expose fully the plan of campaign in that section and give him his seat on this floor.

An easier method and one apparently very generally practiced in certain solid Republican precincts is that employed at Biggin's Church precinct, Richland County. None but Democratic election managers were appointed. They had no interest in the vote of a Republican precinct where there was a Republican candidate whose defeat had been ordered. At Biggin's Church, on a political division, the Republicans cast about 350 votes, the Democrats 10 or 11. Consequently, when election morning came the gentlemen appointed to conduct the State election opened the State poll, but the managers for the Congressional ballot-box did not appear at all.

The testimony of some of the witnesses with reference to this matter is interesting and important.

E. H. Reid (colored), sworn, says:

"I reside at Monck's Corner, Berkeley County; occupation, school-teacher. On the last general election day [1886] I was at Biggin's Church precinct; arrived there at 8 o'clock a. m., and remained there until about half past 2. During the time I was present there was no Congressional poll open. I did not vote for Congressman, though I was entitled to. There were from 345 to 350 voters present, all Republicans except 10 or 11."

Thomas H. Wallace (colored), sworn, says:

"I reside at Monck's Corner; occupation, storekeeper. On 2d of November [1886] I was at Biggin's Church polling precinct at 5 a. m., and remained there all day, and till the close of the polls for the State and county offices. Congressional poll did not open. There were no managers there; no votes were cast for member of Congress. There were 350 voters present. About 339 would have voted for Robert Smalls, and the others would have voted for Elliott. I have this means of knowing how the individual voters would have voted at that election; I am Republican precinct chairman of Biggin's Church precinct, and I have been for eleven years, and must have an idea how many votes would be cast for the Democratic and Republican candidates for Congress; every election I have been at that precinct with the Republican tickets, and no Democratic candidates have ever received more than 11 votes. No change in political sentiment has taken place at all; the Democrats have gained no strength since 1876 at that precinct. In 1884 the colored men voted the Republican ticket, the whites the Democratic ticket. On the last election day the Republican voters present did not all vote in the State and county boxes on account of the eight boxes and changing of the boxes by the managers from time to time during the election, and as they could not read they thought there was no use to vote. I saw them change the boxes just after I voted."

This same plan was carried out at many other precincts. Sometimes it partially failed, or wholly miscarried, through inadvertence on the part of one or two of the Democratic managers of elections or through the carelessness of the commissioners in accidentally appointing an honest man as one of the managers. But the canvassing board can be relied on in all such cases to take care of any little oversight of that kind.

REVERSING THE VOTES AS CAST ON THE COUNT AND RETURN.

At Gadsden precinct, in Richland County, Democratic managers for the Congressional poll would not serve. After waiting about three hours, the Federal supervisor swore in three managers, who held the election.

Their proceeding and the result of the election is shown by the testimony of Preston Richardson (colored), one of the acting managers. He says:

I reside at Grove Wood, Gadsden precinct; am a farmer; arrived at Gadsden precinct last election day at 5 o'clock in the morning, and remained till the polls closed, and at night the votes were counted. The Congressional polls did not open till 10 o'clock, because the managers appointed by commissioners were not present. Two of them were there during the day; Mr. John H. Adams, at 6:30 o'clock; Mr. Scott came there in the afternoon and voted at county and State election boxes, in the other end of the same building in a different room. Mr. Adams said he was there on time to open the polls as one of the regularly appointed managers of election, but the others did not appear and no polls would be opened. An election was held by myself, William Reynolds, and S. J. Shiver. Opened at 10 o'clock. The box was set at the window, and each voter he came up and presented his registration certificate was first sworn and voted. At the close of the poll we proceeded to count the ballot. The ballots and box were in the custody of the managers, and then we sent them to Samuel Green, Republican Congressional district chairman. The box was nailed up and a strip of paper put over the hole and sealed. Four hundred and fifty-one ballots were found in the box when counted. They were counted for Robert Smalls. No ballots were cast for any other candidate.

This box, intact, with the seal unbroken, was presented to the officer of this House as evidence when the testimony in this case was taken.

One of the other acting managers, S. J. Shiver (colored), sworn, says:

I live at Gadsden precinct. On last general election I was at Gadsden polling precinct from 5 a. m. till close of polls and votes were counted. Polls opened about 10 a. m. A. P. Richardson, myself, and Reynolds acted as managers, appointed by Republican supervisor. Polls were not opened at 7 o'clock because the regular managers were not there. Mr. John Adams was there, but did not act; he said he would act, but the rest were not there, and he would not act himself. At close of polls ballots were counted and placed in box. We counted, I think, 452 votes for Robert Smalls. All persons who presented their registration tickets, and the tickets were signed for the place where they lived, and they had not moved, were allowed to vote. In 1884 the total vote was something over 500.

There is not a syllable of testimony anywhere in the record suggesting that any illegal votes were received by the acting managers, nor that any legal votes were rejected, nor that a single voter was deprived of his privilege to vote at the Congressional poll because it was not opened until 10 instead of at 7 o'clock, nor that an honest count and true return were not made of the vote as cast.

The canvassing board rejected the 451 votes cast for Smalls at this precinct.

At Sandy Island precinct, Georgetown County, only one of the managers served. He chanced to be a Republican. The two Democrats refused to act. The election was orderly; only legal votes were received. The count was honest and the return regular.

J. J. McCottrie, supervisor for this precinct, sworn, says:

Qualified and served as supervisor of election at Sandy Island precinct. Opened polls at 7 a. m. Charles Lance served as manager; the other managers were not there. Gabriel Lance served as clerk. Before opening the polls the manager opened the box and allowed public view of inside of it. He administered the oath and required each voter to show his registration certificate before he allowed him to vote. He had the registration book of that precinct. The polls remained open till 6 in the evening. I kept the poll-list; 33 votes were cast; Robert Smalls received 33; William Elliott none. I witnessed the counting of the vote. I saw the manager sign a statement of the returns. He put it in the box, sealed the box, and carried it home. I assisted the manager in counting the vote; there was no other Federal supervisor at the polls that day. The box was locked before the voting began.

This box was rejected by the county board because the two Democratic managers did not serve.

Cedar Creek precinct, Georgetown County, was rejected by the canvassing board because one of the managers did not qualify. The three were present; two were duly sworn. No charge is made that the election was not fair and return legal. Smalls received 18, Elliott none.

Griers precinct, Georgetown County: Two of the regularly appointed managers qualified and served. One refused and J. H. Alston was sworn in and served instead. This is made the sole excuse for throwing out the entire vote of the precinct. Every word of testimony as to this precinct in record proves the fairness and regularity of the election and return. At this precinct Robert Smalls received 65 votes, Elliott 4.

Santee precinct vote was rejected by the county canvassing board because two of the Democratic managers refused to serve. The election was conducted by the third regularly appointed manager, assisted by a sworn clerk and supervisor. The polls were opened, kept open, and closed at the hours fixed by law. Several witnesses swear that only registered and legally qualified voters were permitted to vote, each of whom presented a certificate and was duly sworn before depositing his ballot. There was no railing around the approach to the box, as directed by statute. But the witnesses swear that the voters approached singly and voted without being spoken to or directed by any other person. The contestee claims that a few votes were cast by voters who had changed their residences, but there is no evidence that a voter had made an actual change of residence. The vote was counted. The count balanced with the poll-list. The returns were properly made out and personally delivered to the board of commissioners. This precinct gave Smalls 212, Elliott 4. It was too large a vote to allow a Republican whose defeat had been decreed in advance in that district, and was forthwith rejected, professedly because of the absence of the two Democratic managers.

The law of the State directs the construction of a railing about the approach to the ballot-box with an opening at each end for the voters' entrance and exit, fixes the time for opening and closing the polls, and directs the appointment of three managers to conduct the election.

But the statute nowhere declares that a failure to observe these directions shall vitiate the proceedings and void the election; it is therefore merely directory and not mandatory.

Irregularities are generally to be disregarded unless the statute expressly declares that they shall be fatal to an election, or unless they are such in themselves as to change or render doubtful the result.—*McVary Elections*, 2d ed., page 186.

The high privilege of suffrage nowhere in this country should be made dependent on the indifference and carelessness of some election officer in the discharge or neglect of some unimportant duty.

Election statutes are to be tested like other statutes, but with a leaning to liberality, in view of the great public purposes which they accomplish; and except where they specifically provide that a thing shall be done in the manner indicated, and not otherwise, their provision designed merely for the information and guidance of the officers, must be regarded as directory only, and the election will not be defeated by a failure to comply with them, providing the irregularity has not hindered any who were entitled from exercising the right of suffrage, or rendered doubtful the evidences from which the result was to be declared. In a leading case the following irregularities were held not to vitiate the election: The accidental substitution of another book for the Holy Evangelists in the administration of an oath, both parties being ignorant of the error at the time; the holding of the election by persons who were not officers *de jure*, but who had colorable authority, and acted *de facto* in good faith; the failure of the board of inspectors to appoint clerks of the election; the closing of the outer door of the room where the election was held at sundown, and then permitting the persons within the room to vote; it not appearing that legal voters were excluded by closing the door, or illegal allowed to vote; and the failure of the inspectors or clerks to take the prescribed oath of office. And it was said, in the same case, that any irregularity in conducting an election which does not deprive a legal voter of his vote, or admit a disqualified voter to vote, or cast uncertainty on the result, and has not been occasioned by the agency of a party seeking to derive a benefit from it, should be overlooked in a proceeding to try the right to an office depending on such election. This rule is an eminently proper one, and it furnishes a very satisfactory test as to what is essential and what not in election laws. And where a party contests an election on the ground of these or any similar irregularities, he ought to aver and be able to show the result was affected by them.—*Cooley's Constitutional Limitations*, page 618.

There is no proof or charge of fraud at any of these precincts or in the returns made by the acting managers. They were rejected because

of the failure of the party friends of the gentleman from South Carolina [Mr. ELLIOTT] to do their duty. The votes of these five precincts should be accepted by this House. They gave Mr. Smalls 771 majority.

In the absence of the Democratic managers of the Congressional election at Biggin's Church, Gadsden, Sandy Island, Cedar Creek, Grier's, and Santee precincts, and in the unflinching presence of the Democratic managers of the State and county elections at each of these precincts, is plainly uncovered a preconcerted and well-arranged plan to steal this Congressional district. Further proof of this is found on almost every page of the record in the large numbers of witnesses shown to have voted at the State boxes upon the same state of facts, presenting the same certificates of registration and residence, upon which they were speedily rejected by the managers at the Congressional ballot-box. The way had been boldly blazed out prior to the election along which these officials were to pursue their unlawful course.

A little different plan was devised to dispose of 267 of General Smalls's votes cast at the Brick Episcopal Church precinct in Berkeley County. The supervisor of registration of this as in all other counties is a Democrat. The managers and clerks of election at Brick Episcopal Church were all Democrats. The county board of canvassers were all Democrats.

The town of Mount Pleasant, in this same county, is in the First Congressional district, and the Democratic supervisor of registration for the county made out a list of registered voters for Mount Pleasant precinct and Brick Episcopal Church precinct in the same book. Mount Pleasant is a village, and the voters are nearly all white men and Democrats. Brick Episcopal Church precinct is in the country, and the voters are nearly all colored men and Republicans. At the election November 2, 1886, Mount Pleasant polled 61 votes; Brick Episcopal Church 270. In order to insure the legality of the Mount Pleasant vote and in order to furnish an excuse for rejecting the Brick Episcopal Church vote the one book containing the two lists of registered voters was retained by the Democratic managers for Mount Pleasant and none furnished the Brick Episcopal Church.

Even the Democratic managers at the church were obliged to swear that the election was orderly and regular; that the voters all presented registration certificates and were sworn, and that no one voted who was not registered (on the book up at Mount Pleasant) and qualified to vote. The count and return was made pursuant to law. Robert Smalls received 267 votes, William Elliott 3.

The Democratic canvassing board rejected the precinct because there was no list of registered voters at the polling-place.

A mass of evidence was introduced by the contestee in this case to sustain the rejection of a large vote from the Brick Church precinct on St. Helena Island, in Beaufort County. The ground assigned for throwing out this precinct is intimidation and riot, rendering it necessary to close the polls.

A. E. W. Fripp, the Democratic manager who conducted the election, testified as to the character of the interruptions, as follows:

I have lived on St. Helena Island since 1882. We have about eighteen white and over nine hundred colored voters. The white men on the island are principally merchants and Democrats. I do not know of a single man who has ever left the island or quit his mercantile business on account of politics. I do not know of any person who was prevented from voting by threats or violence at the poll where I was a manager at the last (1886) election.

Jackson W. Brown (colored), clerk and supervisor at this precinct, testifies with reference to what transpired there:

I arrived at the polls at daylight and never left till all the votes were counted. There was no disturbance at the polls. Chance Green's testimony that George Rivers and Hastings Gantt went into the polls together, and that Gantt began to quarrel about Rivers voting the Democrat ticket, is not true; there was nothing of the kind. The poll was closed twice during the day, about five minutes each time—first on account of the voters having so much noise on the stoop; second, on account of more than one wishing to come in at the same time. After the constable was appointed to let them in by turns the noise all ceased and went all peaceable. The noise I speak of was laughing and talking. I acted as clerk, but was not at any time disturbed on account of the noise.

Chance Green (colored), the individual mentioned by this witness, furnishes the gentlemen upon the other side of this case with the great body of their evidence for rejecting this precinct. He possesses a luxuriant oriental imagination. He names many colored men present at this precinct on that day burning with a desire to vote the Democratic ticket, but who were prevented by the threats and violence by colored Republicans, and by the lavish use of money by these unscrupulous, wealthy ex-slaves. It is true that the men named by Chance Green deny on their oaths that they ever thought of voting the Democratic ticket, but that is a little circumstance that does not embarrass the gentleman from South Carolina [Mr. ELLIOTT] nor his friend Chance Green.

As an illustration of the facile and extensive play of Chance Green's exuberant fancy I quote the following paragraph from his testimony, cited by the committee in their report. Winding up a thrilling description of the horrors of this awful riot, beginning with a weak joke cracked by one colored man and ending in a mild laugh at it from the bystanders, which closed the poll and suspended business at that precinct for several seconds he continues:

Just after he opened the poll again Frank Jenkins got the Democratic ticket from me going up to the poll, and Cyrus Jenkins went to him and asked him, "What are you going to do with that ticket?" He said, "I am going to vote it." Cyrus said, "Not to-day; we Republicans intention not to let you Demo-

ocrats vote here to-day," and Sharper Rivers, that man sitting over yonder, he is one of the men said so; and then Frank Jenkins went off and a great crowd followed him, and when he got up on the platform Cyrus Jenkins went up to him and jerked the ticket out of his hand and tore it up, and pulled him down off the platform and said to him, "Frank Jenkins, do you think we are funning? We do not intend to let you vote." And Sharper Rivers said, "No, don't let him vote," and Rivers had a good stick in his hand, too, and I was afraid of his stick myself. Then Frank Jenkins came to me and got another ticket and went to vote it, and then he went home, because they told him if he said there they would beat him on the road.

Concerning this interesting little episode, in which he is made so conspicuous a figure, Mr. Frank Jenkins (colored) testified:

I was not at the Federal poll held at Dr. Peters's office, on St. Helena Island, November 2, 1886. I was out in the road; not at the poll. I know Chance Green. I did not meet him in the morning on election day; I met him in the evening. He did not give me an election ticket. I had no use for a ticket. I had no register paper. I did not ask him for an Elliott ticket that day. I had no register ticket and I could not vote without one. I did not attempt to go to the polls. I did not cross the side of the ditch. Cyrus Jenkins never pulled me off the platform. I was not on the platform. I never saw Sharper Rivers that day. I never heard such an expression used as beating anybody. It is false that I went home for fear I would be beaten on the road for supporting William Elliott for Congress. I could not support him nor Mr. Smalls. If I had had my registration certificate I would have voted for Mr. Smalls.

This precinct, thrown out for intimidation and riot on such testimony as Green's, cast 503 votes for Robert Smalls and 45 for William Elliott.

Several witnesses besides Chance Green were produced by the gentleman from South Carolina [Mr. ELLIOTT] to prove that a policy of general intimidation over all Beaufort County was pursued by Robert Smalls and his party friends. While it may not explain the source and inspiration of that evidence, yet gentlemen who have read their testimony and that contradicting it will have acquired such an interest in some of the more important of contestee's [Mr. ELLIOTT's] witnesses upon this point as to feel some concern as to their subsequent history.

Five or six of these witnesses are paraded in the committee's report, and have been quoted by every gentleman who has spoken on that side. I thank the chairman of the committee [Mr. CRISP] for going outside the record and furnishing some testimony as to the present situation of politics and persons in that district. It fully warrants me in giving this House some facts respecting these half dozen of their most important witnesses.

Mr. J. C. Mardenborough (colored), who furnished pages of original and striking evidence, was afterwards appointed a railway postal clerk on the Charleston and Jackson Railway.

Mr. F. D. J. Lawrence (colored), whose testimony if not so original was still very voluminous and valuable to the contestee, received an appointment from the authorities of the State as a trial justice, a position worth some money and of unlimited power in that State to an unscrupulous man.

A. B. Colonel (colored) is still doing business at the old stand as constable to a Democratic trial justice. They have come to agree on politics.

Felix Bonner (colored), a sturdy witness who handled facts in such a reckless manner as to charm the contestee's friends, has been given a place in the custom-house at Coosaw, S. C., since testifying in the case.

Z. E. Sawtelle did not get a good place, or at least there is no record of it. He died shortly after testifying.

And the oft-quoted and never-to-be-forgotten Chance Green, after his heavy work as a witness for contestee [Mr. ELLIOTT], finds sweet and profitable repose in the Treasury Department under this Administration, and he may be beaming upon me at this moment from that dark cloud in the gallery for aught I know. Whether these witnesses and probably many others secured their places through the Civil Service Commission upon merit, or through the influence of some individual for some service rendered, I do not know. There they are and there we will leave them—at least for the present.

The next feature of the performance in the Seventh district to which I ask your attention is counting votes for contestee not cast for him at all. This was accomplished by the old trick of stuffing the box and then drawing out the votes actually cast for Smalls as "excess" and counting the illegal ballots for Elliott. General Smalls selects three of the precincts where this was done and proves it clearly and emphatically.

The first is Pocotaligo precinct in Beaufort County. Here, as usual, the managers and clerk were all Democrats. The poll-list shows that 143 men voted. When the vote was counted it disclosed an excess of 148 ballots. The count was conducted by the Democratic managers. The disposal of the surplus ballots was managed by the same gentlemen.

The process is described by S. J. Bampfield (colored), from whose testimony I quote:

Q. Did you witness the count? And if so, state whatever facts came to your knowledge or observation in reference to it.

A. I did; in the afternoon my suspicions were aroused by the apparent nervousness of the managers, especially Mr. Frampton, the chairman, and the circulation by them of certain rumors to the effect that the votes in the box were tied, and that certain Republicans who were loud-mouthed for Smalls, the Republican candidate, were secretly voting for William Elliott, the Democratic candidate. As I crossed the piazza to enter the room where the voting was going on I overheard a conversation between Mr. John Frampton, the chairman of the board, and Mr. H. W. Richardson, collector of the port of Beaufort, as to how to dispose of the excessive votes in the box. Soon after Mr. Frampton announced that the room would have to be cleared and that the counting would proceed. I asked him if any citizens would be permitted to witness the count; he said that I might stand at the open door, but that I couldn't remain in the room. He

did, however, permit Mr. H. W. Richardson, collector of the port of Beaufort; the paymaster in the United States Navy, James L. Morrison; a boat-hand in the custom-house; and others, who I think were State constables, to remain in the room. The open door in which I stood was not more than 4 feet from the table on which the box was placed, so that I could witness the count.

Before opening the box Mr. Frampton directed that the light, which was but an apology then, should be removed from the table on which it stood by the box to the mantel-piece. His position was, one hand on the box, the other directing the removal of the lamp; reminded one more of a necromancer about to perform a feat of legerdemain than an officer performing a sworn duty. He finally opened the box very carefully and proceeded to take out the ballots. After taking out 143 ballots, laying them one upon another, face down, corresponding with the number of names on the poll-list, he stated that there were more ballots in the box, and that he would have to return the 143 ballots to the box and that some one with his back to the box should withdraw the excess and destroy them, in which opinion Mr. Henry Mew evidently concurred. I called his attention to the fact that he couldn't know the excess of the ballots in the box until all of the ballots were counted, and that, therefore, he did not know how many ballots to destroy. They both still insisted that that was the proper manner to dispose of the excess. The paymaster suggested that the proper way was to destroy all the ballots left in the box, and count the 143 already drawn out.

All the Democrats present except the supervisor, Mr. Hammond, and Mr. Richardson, were opposed to counting all the ballots in the box, and thus to expose a glaring fraud. After considerable discussion Mr. Richardson came to my rescue, stating that I was right, that the law required that all the ballots should be counted, to which the managers reluctantly consented. Upon counting the remaining ballots in the box there were found to be 148. All the ballots were then returned to the box, and Mr. Frampton, turning his back to the box, drew out the 148 which were in excess, which were destroyed. It was then found that of the ballots remaining in the box there were 87 for Elliott and 56 for Smalls. The ballots that were taken out—the 143—were laid on the table, were mostly clean and lightly folded, so that they lay comparatively smooth on the table, indicating that they were never voted singly. During the removal of those ballots from the box I noticed that they were apparently folded together in a large bunch, and called the managers' attention to the law about ballots being folded together, and noticed that subsequent to that Mr. Frampton's hands were put lower down in the box, so that I couldn't see what he was doing. He destroyed two Elliott ballots folded together after I had spoken to him.

The names of the Democratic managers and the Democratic clerk who conducted this performance, are John Frampton, Henry Mew, J. W. Hill, and M. C. Hammond. Neither they nor any other of the partisan friends of contestee [Mr. ELLIOTT] were called as witnesses. They sent their return to the canvassing board giving Elliott 87 and Smalls 56 votes. One hundred and eighteen legally qualified voters at this precinct swear they voted for Smalls.

The second precinct offered by contestant in illustration of this practice is Providence precinct, Sumter County. As usual the managers were all Democrats. They returned 119 votes for Elliott and none for Smalls. When the polls closed there were 119 names on the poll-list. When the ballots were counted 199 were found in the box.

Robert Mahoney, a supervisor, explains in his testimony how easily Democratic managers of election in South Carolina can dispose of a few Republican votes.

Q. Where were you at the close of the poll that day?

A. At the polls in the house.

Q. After the polls were closed what was done by the managers of election?

A. The votes were counted by the managers. I saw Mr. Kingman, one of the managers, count the votes and give Smalls 39 in the count, and Elliott 160 votes, after which the votes were returned to the box, and a boy drew out of the box from the number all of Smalls's ballots and other votes besides what they gave to Elliott all that was left, 119 votes.

Q. How did it happen that all the ballots for Smalls were drawn out of the box?

A. Because Smalls's ballots were placed on top of the box, and the boy drew them out.

R. H. Richardson (colored), a constable at that precinct, testified in reference to this affair. I quote from his evidence:

I was at Providence poll by my watch from 6 a. m. until the polls closed that evening and until the votes were counted. After the closing of the poll John Kingman proceeded to canvass the votes; he placed the votes cast for Smalls on one side of the box outside, and those cast for Mr. Elliott on the other. When he saw that there were more votes in the box than the poll-list called for he placed Mr. Elliott's vote in the bottom of the box, then pushed the Smalls vote on top of those, and had a boy to draw every Smalls vote out without stirring them up. The other man, Mr. C. L. Williamson, refused to sign the Democratic return—he was the Democratic supervisor—claiming that it was not fairly done; there were 39 Smalls ballots, not one Elliott, thrown out, and no Smalls ballot was left in the box.

This testimony all stands without a contradiction. There is no certain proof as to just what the legal vote of this precinct was, and the glaring fraud perpetrated by the officers clearly voids the election at this precinct.

Green Pond, Colleton County, the third precinct in this chapter of frauds, is simply a repetition of Pocotaligo with variations. The managers and officials were all Democrats. After closing the polls they excluded the public from all view of the ballot-box for ten minutes while they juggled with it in the back room of a store. Then they counted the vote and credited Elliott with 160 and Smalls with 35 votes. One hundred and thirty-four witnesses, whose testimony covers nearly sixty pages of this record, swear they voted at that precinct for Robert Smalls for Congress. True, some of them were too ignorant to read their ballots, and under the badgering cross-examination of contestee's lawyers are betrayed into some apparent contradictions, but no fair-minded man can read all the evidence and escape the conviction that 99 of Smalls's legal votes were exchanged for 99 illegal Elliott votes during the ten minutes the managers were in the back room alone with the ballot-box.

In some precincts of the Seventh district they have made no advance

at all over the old methods. Notable examples of this slow development are found in the evidence relating to Adams Run precinct, Colleton County, and Fort Motte precinct, in Orangeburgh County. Here there seems to have been a lack of special talent and they resorted to the old-fashioned Southern plan of simply stealing the ballot-boxes after the election was over.

However, secondary evidence of the result at these two precincts establishes the fact that Smalls received 177 votes at Adams Run and Elliott 37; and that at Fort Motte Smalls received 236 votes and Elliott 58.

RESULTS OF THE SYSTEM.

A careful examination of the evidence of this case under the law must make it plain to any unbiased man that Smalls is justly entitled to 2,401 more votes than were given him by the board, and that Elliott's vote should be increased 151 and reduced 280—a net reduction of 129. This monstrous wrong was consummated by preventing the registration of men entitled to register; compelling the colored voters to go long distances; refusing to see them as they stood before the registration office in respectful waiting day after day; refusing to hear them as they plead and begged to save their citizenship. It was consummated by preventing registered voters from voting, usually rejecting the vote without any explanation or offering an excuse so unreasonable and arbitrary as to clearly prove their determination to disfranchise the colored Republicans; plying the colored voter with smart questions and receiving the white Democrat's vote without even a certificate; appointing Democratic managers to conduct the election who refuse to appear at the polling-places where there are large Republican majorities; purposely neglecting to supply strong Republican precincts with their lists of registered voters, and then rejecting the entire precinct because the lists were not supplied. It was consummated by reversing the result on the count and return; rejecting the vote of entire precincts upon silly pretexts of riot, based on the wicked lies of witnesses who afterwards secure fat offices; stuffing the boxes with illegal Democratic votes, then rejecting the Republican votes as excess; and finally, by boldly stealing the ballot-boxes of Republican precincts.

Stop a moment and think of the application of this system and how easy it is to accomplish the result contemplated by its projectors. Sometimes the colored voter making his way along the tortuous, winding course prescribed, preliminary to voting and in preparation for it, wearies before he reaches the polling-place, for at every turn those whose sworn duty it is to assist him, and who perform that service with fidelity to all Democrats, purposely and persistently mislead the Republican and rejoice over the consequent blunders which bar his way to the ballot-box. And when after many failures, quick to learn even in this hard school, he is finally possessed of the necessary credentials and reaches the august presence of the Democratic managers of election, ready to deposit his ballot, standing before them alone, with no political or personal friend present to counsel him, if he is not cheated into placing his ballot in the wrong box, and actually lodges it where it belongs, it will certainly be rejected in the count because it is "soiled or mutilated," or not "properly folded," or be drawn from the box as "excess." Or if the count shows a sufficient Republican majority to make it worth while the entire poll will be rejected because a "quorum" of Democratic managers did not conduct the election, or were not "properly sworn," or some technicality was purposely not observed in making out the return. One thing is absolutely certain, in the "New South" the way is always prepared in advance to keep the Republican vote down and to keep it down under color of law.

Here, then, in the sworn testimony of this case, in the cunningly devised, infamously executed election laws of this State is laid bare to the world the last conspiracy of a too often disloyal people against their Constitution and their country. It is not open rebellion this time, but a sly, covert nullification of the highest law of the land. It incurs none of the risks of armed assault, escapes the personal dangers and swift public indignation of organized violence and intimidation. It is outrage embellished and refined. It is lawlessness systematized and, if possible, legalized.

It has accomplished the same results all over the Southern States which it so easily secured in the Seventh district of South Carolina. In States where the law is just and fair, the villainy is perpetrated in its construction and enforcement. Though the system varies in form it does not in operation and results. From the bloodhound and the raw-hide, the bludgeon and the shotgun, to the South Carolina election law and its wicked execution, is but a little step. The transition was easy and natural. It was not so noisy and it was cheaper. It had everything to commend it to an intelligent and unscrupulous minority.

Its results must be eminently satisfactory to the political leaders of the South. Confused, baffled, discouraged, cheated, the colored vote of the South has quietly and speedily disappeared from the returns. There has been no clash of arms, no New Iberias, no Hamburgs, no vexatious newspaper reports, no annoying investigations—silently, but fatally to the colored Republican vote, the new election methods of the South, or the election methods of the "New South," have done their perfect work. In the State of South Carolina alone, 78,046 Republican votes have disappeared from the returns since 1876.

So long as it was a policy of intimidation and violence, and even occasional murder, it was not so dangerous. It carried with it its own ulti-

mate cure. It would in time yield to the influences of civilization; go down beneath the overpowering weight of decent, humane public condemnation. But no sooner was it accepted that kukluxism could not always survive than the skilled, adroit, political leaders of the South devised a system which, with unscrupulous officials, would wipe out the constitutional amendments effectually. They gave it solemn legislative sanction, followed by shameless, odious, atrocious execution. They stole the sacred livery of the law to clothe and mask disloyal violators of the Federal Constitution. They made the Democratic party of the South accessory to the crime. They debauched and degraded the State, broke the oaths taken when the flag of secession went down in the wreck of rebellion, smirched the little remnant of honor which they carried back with them from Appomattox.

What has it yielded? Through it they have ruled States, they have controlled in national politics, they have acquired undue representation, they have greatly wronged the North. But they have done infinitely worse and more than all this. They have written in enduring forms in their statutes, in the records of their courts, made a part of their political history, worked into the thought and life of people by the millions—old and young, wise and ignorant, white and black—the pernicious, monstrous, damning creed that law is the legitimate weapon of the wrong-doers that the desires of the individual are more sacred than the honor of the country; that violation of the Constitution is commendable; that the ballot, the American citizen's ballot—his defense, his power, his shield, his sword, his hope, his prophecy—is the lawful spoil of any desperate political opponent. [Applause on Republican side.]

This is what they have done and are doing every hour. This is the enormous crime which they are committing against this people and posterity. In the midst of ignorant millions just acquiring a primary knowledge of the duties of citizenship, it is appalling to contemplate the awful consequences sure to flow from this sweeping destruction of all political integrity from this twisted, deformed conception of the law and its sublime office to humanity.

But a little time has passed since the South indignantly denied that they suppressed the Republican vote or cheated in its count. The North, ready to take the most comfortable, quieting view of troublesome questions, silenced every reference to it with the cry of "The bloody shirt!" Now they are shocked by the public announcement from the South that this is a "white man's government," and startled to find the doctrine defended where it should be denounced and abominated. It is the inevitable course of crime. The wrong doers succeed. They grow reckless; they are suspected; they deny; they protest their innocence. They are caught in the act, confronted with the proofs, driven to bay. Then they grow desperate, defiant. Then they admit the crime; they boldly plead self-defense; they impudently plead justification.

With one voice the press of the South to-day seems anxious to convince the country that there has never been any attempt to deny or conceal the fact that the negro vote was suppressed. They strive and vie with each other in announcing themselves as bold and courageous in their defiance of the law, as determined, unyielding violators of the Constitution, and they even openly demand public acquiescence and justification.

Sir, I believe the time has come when the truth should be plainly spoken. For nearly a quarter of a century the North has yielded, acquiesced, submitted, and patiently waited. From the hour of defeat the South has been the recipient, the thankless, sullen, defiant recipient of beneficence and liberality at the hands of the North. In victory they levied no tribute, demanded no satisfaction. They assumed and have paid the bulk of the war debt. They have poured out national treasure and individual wealth to build up the broken and shattered South. Calamity has never befallen them but that the generous hand of the North sustained them in their need.

Nothing like it can be found in all history. The South went unpunished for their treason, and have complained that the North alone is benefited by pension appropriations. They laid down their arms, not their opinions, and went back to teach their children that the South was right. They were restored to political power and used it to wipe out the constitutional amendments and punish the North.

Granting all that the South claims—that the war robbed them of their wealth by emancipation and threw upon them the burden of millions of ignorant citizens; granting all this, what plausible excuse can they offer for the outrage and wrong committed? What reasonable defense can they make for the present situation in the South?

"We are doing just what you would do under the same circumstances" has become the common and ready retort to every protest from the North. It is possible that we do not understand each other.

If you mean that any other portion of this country not trammelled by your prejudices, not embittered by your experiences, confronted by the same problem, would deal with it as you have—if you think there is anything in the existing conditions to exonerate or palliate your conduct, you seriously, gravely err. Your action may be explained, may be condoned; it can never be justified.

Make the Northwest, if you will, a battle-field for four years, deprive its people of all their chattels, leave them only their lands, and place in their midst four million ignorant, undeveloped Negroes with no property

and no training except that of tilling the soil, you would not from that hour on find the strength and intelligence of the Northwest devoting their energies and their power to terrorizing and repressing the vote of the weak and the ignorant; you would not find the people of the Northwest a quarter of a century later living in their past, complaining of broken fortunes, comparing what is with what was. Long before that all trace of war would have disappeared; the idle labor would have been utilized to rebuild the country and restore its fortunes, schools and teachers provided, the ignorant educated and elevated.

What was Dakota ten years ago? What constitutes its wealth, except the land and the labor bestowed upon it by a law-abiding people? A wild unbroken prairie transformed into a great and prosperous State, farms with comfortable homes, schools in every district, thriving towns and cities always in sight. The flood of foreign immigration speaking a different language, born under other skies, loving another flag, and another history, welcomed, taught, assimilated, and transformed into the hardest, highest type of American citizenship.

The colored people born upon American soil, speaking the English language, loving this country, knowing no other, idolizing the Southern people, most of them of Southern blood; this people who had been trained to do all the manual labor of the South, who understood its soil, its climate, its products, who had made the sunny South what it was in "the halcyon days before the war;" this people who had been faithful servants to proud masters for centuries, who had been the companions, playfellows, nurses, and guardians of their children, who had remained at their posts while a war was waged for their freedom; this people with their deep affections, their strong attachments, their fine emotional nature, and their impressionable character, anxious to learn, willing to be led—this people, though unlettered, though laboring under the disadvantages of a race suddenly released from bondage, nevertheless offered material that might in a generation of time have been molded into American citizens of which any section of this country might be proud.

No, gentlemen, there is nothing threatening or portentous in the Negro problem to-day, either for you or the rest of the country, excepting as you make it so. The difficulty does not lie with him, but with you instead, in the blind prejudice and stubborn antagonism, ever opposed to his development politically and socially as a citizen.

You say, in justification, that the Negro is ignorant, inferior, incapable of growth. Is he not willing to learn? Are you willing that he should? If you are anxious that he should learn, why have you hindered rather than helped him? Why have you ostracized Northern teachers, who make such sacrifices to educate the colored people?

Do you encourage them in the acquisition of property? Do you pay them what their labor is worth in cash, or does a system of rental and store-pay prevail, which is designed to always keep them poor? Do you sell them land at a fair price? Do you aid them to build and own homes?

You say the Negro is not progressive. Secretly do you not fear that he is? Is it against the dull and submissive that you feel the keenest resentment—direct your hardest blows? Or are they aimed at those who, like Robert Smalls, have shown intellect, courage, and determination to lift their people to a higher level and maintain their rights as freemen?

Blinded by passion and prejudice you may refuse to accept it, but the historian will place the responsibility of any evil consequences that may flow from this war against the colored race where it belongs. Admitting that the rebellious States had heavy burdens to carry, the disinterested student of facts will find no problem presented by the situation that could not have been solved successfully by earnest, honest endeavor.

If the colored people had been fairly treated, if they had received kindly recognition, if they had been provided with schools and books and teachers, if they had been given an opportunity to make homes for themselves, if their labor had been properly rewarded, who doubts that the progress they would have made in twenty-five years would have astonished the world?

The fact that, in spite of all effort to retard or suppress the negro, he has made much progress should awaken the South to an appreciation of the folly of the course they are pursuing.

The next census will show the colored race in a majority in five, possibly seven States. They are shaking off the spell of cringing submission stamped on them through two centuries of slavery. They are climbing higher and higher. Every hour of self-dependence sharpens their faculties, broadens their understanding, adds to the sum of their knowledge, develops their spirit of independence and strengthens their courage. Wait a little while, not long will they wear the shackles of this second bondage; not long will they submit to the despotic control of an arrogant minority. The majority will ultimately control in every quarter and corner of this Government. What then would you say if there should come to that majority in your section the natural desire to pay you back in kind? What then could you answer if they turned upon you crying:

The villainy you taught us we will execute, and it shall go hard, but we will better the instruction.

[Applause on the Republican side.]

Oh, men of the South, sharers in our common heritage of self-gov-

ernment and personal liberty, in the name of a late past crowded with bitterness and anguish for us all I entreat you to stop. For the sake of your own peace and honor go no further in this infamous business. You can not justify it, you can not defend it, you can not sustain it!

The hour is at hand when the people of this whole country, by an overwhelming majority, will make it their first business to secure and preserve the representative character of this Government. The South can not any longer afford to oppose that principle. [Applause on the Republican side.]

To-day an opportunity is presented the Democratic party to place itself on record against the election methods of the South; to rebuke here and now the outrages committed in this district; to answer with plainness and patriotism the great question which has come to mean something to the thoughtful loyal men of this country. In the closing days of your administration of this Government, the last hours of your control of this House, give this colored man, this former slave, this leader among his people, who has spent nearly all the earnings of his life since freedom contesting for the rights of which he has been cheated; give to General Robert Smalls, whose distinguished services for the Union and against rebellion, whose skill as a political organizer of his people and courage as a defender of the civil rights of his race early marked him for persecution and defamation; give to Bob Smalls, who as a slave, seized with high military courage and judgment the critical moment to capture with his own hands a Southern transport steamer, turn her prow to the North, run her past Confederate forts and under rebel batteries into the Union lines and turn her over to the Union Government—a daring achievement that will live in history after all who hear me are dead and many of us forgotten; give to this old man, this old soldier, the seat on this floor to which he was honestly elected November 2, 1886. [Applause on the Republican side.]

The Republican party here has nothing to gain or lose by the decision in this case. But feeling for this man as I do, knowing what it means to him, knowing how he has suffered, I could, if it would avail, lie down and beg for that justice to which every man in this House knows he is entitled. [Applause on the Republican side.]

Mr. LODGE. Mr. Speaker, it is always a pleasure to me to listen to my friend from South Carolina [Mr. HEMPHILL], because he is always interesting, always honest, and always pleasant in what he says. The illustrations that he has been using have been amusing, but the argument is not a new one; it is the old, old answer to a difficult question that "you are another." It is the argument that because one wrong exists in one place we may meet it and balance it by saying that another wrong exists somewhere else.

Two wrongs, Mr. Speaker, never made a right, and they never will. Because the fundamental right of the black citizen of the United States is torn up by the roots in South Carolina, it is no answer to say as a justification of it that there are here and there instances of race prejudice against him in the North. I do not stand up here to falsify the facts of history or assert that the conduct of the North towards the black man in all the years that have gone has been without fault or without mistake.

I know very well that there was a time when the North bowed to the dictates of the South and did wrong to the black man in its own way just as much as the South did. I know that there was a time, and an accursed time, in my own State, when "Massachusetts, God forgive her, was a' kneeling with the rest," when she mobbed Garrison in the streets of Boston and sent Anthony Burns back at your bidding into slavery. But she atoned for all that, Mr. Speaker, in the blood of her best and bravest, shed on every battle-field of the rebellion, and the flower of her youth led the black man to fight for his country in the uniform of the United States. You can not now turn about and cry out against the "black laws" which were placed upon Northern statute-books in deference to your bidding. You can not face round now and try to alter the great facts of history with such retorts as these. It was the North whose armies marched into the South and gave freedom to the black men. It was a Northern man who put his signature to the emancipation proclamation. It was the Republican party which placed upon the statute-books the laws which have given to him his freedom and his rights. These are the great facts of history. You can not alter them, and the black man is a Republican to-day because he knows that those are the facts of history. There may be mistakes, there may be instances of race prejudice in the North towards the black man. If there are, every right-thinking man in the North regrets them and wishes to see them stopped. But that they should exist here and there does not excuse the refusal of the right of suffrage in the Southern States of this Union to-day. It is no answer to say that because a group of men in this place or that manifest an unworthy race prejudice, therefore you are entitled in the South to deprive the black man of the rights guaranteed to him by the Constitution.

Now, Mr. Speaker, I have no intention of going over the details of this case. It is a typical case, and it is in that view alone that I propose to discuss it. Here is a district made up to send a Republican, made up of the black vote, and gerrymandered especially for that purpose. That district has been stolen. Not even in that carefully-prepared district could the negro be allowed his rights. Everybody knows the

facts that I am going to state. When we pass off this floor and behind that screen, no man, North or South, would deny the facts, but here it is thought necessary on the other side of the House to demonstrate from time to time the great affection that is felt for the negro by the Democratic party. I confess that I think there is nothing more inspiring or interesting than to see a member from the South, on a contested-election case, declaring, with tears in his eyes almost, the affection that he and his friends feel for the negro. [Laughter.] I know of nothing equally impressive unless it be the display of feeling that we have had about "trusts" during the recent tariff debate from those gentlemen who pose as the especial friends of the people. [Laughter.]

The chairman of the Committee on Elections [Mr. CRISP] a few days, or rather a few weeks, ago, when he was protecting the power of the minority against the assaults of a feeble majority, declared with great heat that it was not fair for gentlemen living 3,000 miles away and reading a partisan newspaper to pass judgment upon the elections and the voting in the Southern States. I suppose that that was simply a figure of speech, because a gentleman 3,000 miles away reading a partisan newspaper would be living somewhere in the neighborhood of Mount St. Elias, or else on the shores of Baffin's Bay or among the Esquimaux. [Laughter.] The opinions of those gentlemen I do not undertake to defend. We must take it as one of those flights of fancy which this subject is sure to occasion in the well-regulated Southern mind. But when the gentleman tells us that an election is full, fair, and free in a State which elects ten Congressmen with a total vote only 1,000 greater than was cast in my own single district of Massachusetts I do not believe that he can convince any one that elections exist there in the way in which they exist everywhere else in this country. I was reminded, when I heard him speaking, of the very old story of the Englishman who was crossing the plains many years ago and who got off the stage at one of the way stations, went into the saloon and up to the bar, and said to the barkeeper that he would like a nice breakfast, a poached egg, a bit of steak, a little coffee, and so on. The barkeeper looked at him across the bar for a minute, then reached round, drew out his revolver, covered the intending customer with it, and said, "You'll eat hash." [Laughter.] I have not any question that in the opinion of that barkeeper that gentleman had a full, fair, and free breakfast, but I question very much whether that was the view of it taken by the traveler himself. [Laughter.]

It is a good deal better in discussing this question to be fair about it. A system of election which results in the election of many members of Congress by a vote of 1,700 without opposition is not an election as Americans understand the word in this country, and to say that it is so because everybody votes the same ticket is simply to say that human nature does not exist in those States. Party differences lie deep down in the roots of human nature, and men differ in politics as they take a conservative or a progressive view of public affairs. That natural tendency exists in the South as it exists elsewhere. The votes are not cast there because it is useless to cast them, and the reason it is useless to cast them is, to take the statement of those gentlemen themselves, that it is essential to the preservation of civilization and of all that men value to suppress the vote of ignorance and illiteracy. If the line were drawn on ignorance and illiteracy, or even if the line were drawn on property, which we disapprove as not consonant with American ideas, yet we could not, under our Constitution and our laws, find fault with it. But it is not a question of ignorance; that statement is a mere pretense. The objection, as I have heard it stated, to making an educational qualification is that it will exclude an ignorant white man as well as an ignorant negro. In other words, the line is drawn on race, on color, and on the previous condition of servitude.

Now, the desired result of keeping the black man a political serf and depriving him of his rights is reached in various ways. Sometimes it is by the ingenious construction of the election laws, as in South Carolina, where those laws are as much designed to produce a free election and provide for the protection of the franchise as the rules of thimble-rigging and the statutes of three-card monte are designed to promote a fair game of cards. They are framed for a particular purpose, and they answer it well. Sometimes the suppression of the vote is attained in other ways, such as counting out; sometimes it is by stuffing ballot-boxes, and sometimes, as in the recent election in Arkansas, the ruling party begin with the violent plunder of the ballot-box and end with the murder of the contestant when he seeks to establish his rights. The trouble with that system is that you can not confine it, and that it will never solve your problem. You can not teach a whole generation of people that they must be honest and decent in their lives, but that in one thing it is praiseworthy to use fraud, force, or perjury, or do anything necessary to carry an election and not affect thereby the tone of public morals. The disease is one that is sure to spread.

I have a collection of extracts from Southern newspapers, which I will print with my speech, showing that the poison has spread into your own primaries, and that there are complaints in your own caucuses of this disregard for a fair vote and of fair elections. It has not stopped there, but has still gone on. We have seen that after the elections for the next Congress it was gravely proposed that governors of various

States should withhold the certificates from members elected on the face of the returns. The secretary of state of Tennessee is now withholding a certificate or putting obstacles in the way of the certificate being delivered to the man elected on the face of the returns. The governor of West Virginia has issued certificates to two Democratic Congressmen elected on the face of the returns and is withholding them from two Republican Congressmen elected on the face of the same returns. Do you suppose the people of the North are going to submit to such things as that? These acts are the plainest usurpation and the most absolutely revolutionary steps that can be taken. You thus have undertaken to seize the powers of this House to judge of the election of its members and to leave to the governors and secretaries of state to say what shall constitute the majority of the American Congress. It is a part of the same evil system, and there is more even than that. The only guaranty of our institutions is in the belief of the people that the elections are fair. There are millions of voters in the Northern States who do not believe to-day that there is such a thing as a fair election in certain States of the South. This is a perilous belief. It is beside the question whether they are right or wrong in holding it. If you impair the confidence of the great masses of the voters of this country in the decision of the ballot-box the end of this system of government is not far off. It is not enough that the elections should be fair. The masses of the people must believe them to be fair and above suspicion. In the Northern States I am perfectly aware that, as in all free elective governments, there are abuses. I know there is more money spent on both sides than there ought to be.

I suppose that here and there there are cases of cheating. But these things are sporadic. They are not parts of a system. Throughout the length and breadth of the Northern States the elections as a rule are honest. Men of both parties believe in the result as declared at the polls; and all this talk that has been made about money is confined to one or two of the close States, and one party is as guilty as the other. I do not defend the use of money, for it is an evil and a danger. But the matter as it has been brought into this debate is a mere question of crimination and recrimination. You cry out that the manufacturers gave money for the support of the Republican party. The money of the manufacturers is no worse than the money of the railroad kings who ran your campaign, or the money of the Standard oil and the sugar trusts. It is just as bad with one as with the other. It is the duty of all decent men to strive to stop the improper use of money, whether it is contributed by the cotton-spinner or the iron-maker, or whether it is by the men who run saloons or who form the whisky ring. We want to get rid of all these evils in our Government. The general feeling in the Northern States is in favor of getting rid of all these election abuses so far as may be, and we are setting about it now. But to charge the use of money does not meet the wrong now under discussion. We must have fair elections in the South, in the North, in the East, and in the West. It has become the duty of the United States to have such election laws as will secure to the election of all Federal officers the guaranties that we have now in the great mass of the States of this Union. This is not a question of the bloody shirt nor an old war issue.

Mr. OATES. Will the gentleman permit me to ask him a question?

Mr. LODGE. I have not the time to yield. It is the issue of to-day and of this moment. It is not the cry of the war issues on which Northern men are elected, it is not the issue on which Northern districts are contested, and has not been for years.

Mr. OATES. Will the gentleman allow me a question?

Mr. LODGE. I can not yield. The gentleman can obtain time.

Mr. OATES. I want to ask the gentleman a question for information. [Cries of "Go on!" "Go on!" on the Republican side.]

Mr. LODGE. This cry of war issues, so far as we hear it, is confined to the Southern States. Let me say that a speech of such a character as was made by the eloquent gentleman from Virginia here yesterday would not do for a candidate for governor in Massachusetts. He would simply be laughed out of court. But no doubt the gentleman knows his home audience, and his ability is such that I suppose he judges it rightly, but I can only say that that is not the kind of speech which would do with us.

These old issues, these appeals to State jealousies and sectional prejudices, are issues the people of Massachusetts at least—and I believe that it is the feeling of the North—are only too glad to have buried out of sight forever. Massachusetts, to which allusion was made by the gentleman from Virginia, entertains no hostile feeling towards her sister States. She has no desire that her Representatives should seek to make political capital by assailing other American communities with out-worn accusations. When earthquakes shook your cities, when flood and pestilence attacked your people, when your colleges and schools have come for aid in education, Massachusetts has never been deaf to your appeal, her heart has never been steeled to the cry of distress, and, God bless her, it never will be. But she wants to see right done to all men, whether their skins are black or white. [Applause on the Republican side.] She wants to see the Constitution lived up to. She knows what her own history has been on the slavery question. There it is for all men to read. No slave since the Constitution of 1780 has

ever had his foot on Massachusetts soil under Massachusetts laws. There she stands, contented to have her record pass into history for the verdict of mankind.

She asks now (and I believe she represents the feeling of the North) that we should have the same fair elections through the South that we have in the North. The North means to insist upon it. We have been too careless, too tolerant, too easy-going; and this debauchery of elections, this striking at the fundamental right, is creeping on and getting dangerous. People in the North, who for the last ten years have passed it by unheeding, have within the last six months come to take an entirely new and a much more just view of the subject. It is the determination, I believe, of the Republican party and of the North to secure fair elections.

I have heard denunciations of United States bayonets and United States supervisors interfering with elections in the States whenever a just and proper election law is talked of. I am perfectly willing that there should be a United States supervisor, and, if necessary to secure a peaceful and honest election, a file of United States soldiers at every polling place in my district. I am not afraid that they would intimidate anybody. I am not afraid to have them look over the election there or see how the people in my district vote, for the voting is honest and so is the count. What is fair for one is fair for all. I have no wish to see elections protected by armed force anywhere. I deprecate and dislike it as much as any man, and I trust that the good sense of the South will render it needless. I dislike it because any force at a popular election is un-American, but the spirit which makes force needful is far more un-American than the force itself. If we must have force at the polls I prefer the force of law and order and of the United States to that of the "long-haired promoters of civilization poking their shotguns in voters' faces," whom my friends on the other side so much admire. The North has no desire to see bayonets at the polls, but the North means to have the Constitution and the laws enforced in letter and spirit, and law is powerless unless on the last appeal the force of the Government is behind it.

This case is, as I have said, a typical case. If you will do justice to Robert Smalls you will show that you are ready to deal with this whole question in a fair and enlightened spirit. The problem is not yours alone; it is ours as well. Your prosperity is our prosperity; your misfortune is our misfortune. We are all bound up indissolubly in one great Union; one can not suffer without all suffering. We ask you simply to do justice; not to draw the line upon a man because his skin is black; to have your elections free, fair, and open, so that they shall command the confidence of everybody. We ask you to join with us in making an election law which shall give that guaranty to the country, and which shall make every man know throughout the length and breadth of the land that, when the votes are counted, they are counted as they were cast, and that the poorest man and the humblest man, be he black or white, of what race you please, has secure and impregnable the right on which our institutions rest—the right of "a free ballot and a fair count." [Applause on the Republican side.]

I append the extracts from the Southern Democratic newspapers to which I have already referred:

[From the Columbia Register.]

The Register believes this solemn matter of fair elections is the most important of all public questions in the whole country, and it believes that reform, like charity, should begin at home. The plan of the Register is not for the negro. It is for society. It is, if anything, more for the white than the colored race. Cheating and swindling can not go on at elections and be kept there. Besides, the cheating and swindling in elections is a greater crime against society than in the private affairs of life. This cheating in elections and being honest after it is like forging a will in the interest of the party administering it, and then claiming the benefit of honestly administering it.

[From a published address of Lexington County Democrats.]

With mingled feelings of shame and indignation we Democrats of Lexington County come before the good people of the county with our grievances. In the recent primary election held in this county fraud the most glaring was shamelessly perpetrated by the supporters of a combination of candidates who will go down to history in the annals of Lexington County as the court-house ring. The supporters of some of the successful aspirants in that contest, forgetful of all personal honor and ignoring all patriotic considerations, steeped themselves in political infamy by stuffing the ballot-boxes, voting fictitious names, riding from poll to poll over certain portions of the county and voting at each precinct visited, in total disregard of their decency and manhood.

[From the Charleston World.]

However, by means of the primaries, with the managers' stamp used to prepare ballots the night before for stuffing the boxes, and rapid penmen to write two names every time one voter casts his ballot, some persons have come to great apparent political prominence in this city. But all this sort of thing has squeezed the life out of the party here.

[From the Charleston News and Courier.]

The primary in Newberry to determine the choice of a candidate for State senator was followed by sweeping allegations of bribery and fraud. It was the same in Marion County, where Bingham was the defeated candidate. Charges of fraud at the primary in Lexington County were promptly and deliberately made. * * * The eight-box law, necessary as it was and beneficial as its operations have been, is demoralizing to the people of the State. It must lower the younger men in particular in their own eyes to see the spirit of our institutions violated at every election. It is beneath the dignity of the State to admit that there is not statesmanship in South Carolina to face the consequences of ignorant suffrage and overcome them without political trick or subterfuge.

[Special.]

COLUMBUS, S. C., January 15.

In commenting on the recent address issued by E. M. Brayton, chairman of the Republican State committee, the Greenville News to-day says:

"It is not worth while to challenge ex-Collector Brayton's counterblast to the South Carolina election law. We prefer to declare boldly that most of what he says is true, and that the law he describes was and is intended to keep the control of this State with the white people, who are a minority in numbers, but who pay nineteen-twentieths of the taxes and represent ninety-nine one-hundredths of the intelligence and moral force. Then we can say to Mr. Brayton, and to the partisan Republican politicians to whom he appeals, 'What are you going to do about it?' These laws are constitutional. They are the laws of the State of South Carolina, representing the will of the sovereign ruling people of the State, who will rule because they have the mental, moral, physical, and financial power to rule."

The entire Republican party in the United States, with all the power of the Government behind it, can not make South Carolina a Republican State, because it can not make the Republican party here respectable. The gaunt and unkempt Southerner who pokes a shotgun into a voter's face to chase him from the polls is a better man than the sleek, portly Northern manufacturer who offers a poor devil of a workman the choice between voting for high protection and starvation. The most reckless red-shirt riders who ever pulled a trigger are less guilty than the wealthy hypocrites who gave and the heelers who handled the money that corrupted the ballot last November. They may send troops here, as they did before, to stand at our polls and purify the ballot with the bayonet, but for all that there will be no more good stealing in South Carolina. The crookedness in Southern elections is to save the credit and preserve the lives of the States, and to secure the safety and prosperity of the people, the churches, and the schools. They may steal our Congressmen and keep them while they can; they may steal our electors, but they never will steal our State."

Mr. ROWELL. Mr. Speaker—

Mr. CRISP. Before my friend from Illinois [Mr. ROWELL] proceeds, I desire to yield ten minutes to the gentleman from Michigan [Mr. TARSNEY]. I will yield it now if that will suit the gentleman from Illinois; and he can proceed afterward.

Mr. TARSNEY. If the gentleman from Illinois desires to proceed now—

Mr. ROWELL. No; I prefer that the gentleman should go on now.

Mr. TARSNEY. Mr. Speaker, I think that I have not obtruded myself upon the attention of the House very much during this session; and I did not intend to say anything in relation to this case until I heard some of the remarks from gentlemen over here on the right. I happen to be almost an extreme Northern man, living within 90 miles of the borders of a foreign country; and when I listened to my friend from Wisconsin [Mr. LA FOLLETTE] and the gentleman who has just concluded [Mr. LODGE] I thought perhaps it might not be out of place for me to say something in a kindly sort of a way in relation to this case.

Mr. Speaker, I have studied this record; I have studied the report, and I am not talking from a Southern standpoint, but I am talking from the standpoint of an American citizen. When you gentlemen on the other side of the House proclaim to the world, as I heard you do yesterday and the day before and to-day, that you are the guardians of the whole colored race, I, for one, as a citizen, want to enter my protest at once. You are the guardians of the colored race, are you? You desire to take care of the Southern people? Why I want to call your attention to the fact that your party was never an abolition party until the abolition of slavery became an accomplished fact by the result of the proclamation issued by Mr. Lincoln. Now, deny that record if you can. You can not do it. It was not until the abolition of slavery became an accomplished fact that you gentlemen became the guardians of the colored people of this country; that is, the assumed guardians. Therefore, I say you were not abolitionists; and you are not entitled to any credit for this colored vote that you are getting.

But you say that you emancipated the slaves, do you? Yes, I think you did. What for? You did it to get 800,000 Republican votes and to break what you call to-day the "solid South." That is what you did it for. Well, you have not succeeded.

Now, you are here to-day with an election case, and you ask that a colored man, simply because of his color, shall be declared entitled to a seat on this floor. God knows the highest law that I know is the Constitution of my country, my own conscience, and the laws as I understand them. But when you tell me that this man is entitled to a seat on this floor in the face of the record that you make, I simply say it is not true. You ask me to vote for a man convicted of bribery, convicted in the courts of his own State. Now, take that record home to yourselves, and satisfy your conscience, if you can, by voting to seat this man as a member of this House.

Now, I do not desire to take up much of the time of the House to-day, but when you speak to me about gerrymandering districts—and I saw a map hanging up in front of the desk which was a curiosity in its way as showing how they gerrymander in South Carolina—I say when you talk about gerrymandering Congressional districts you must permit me to say that it is a practice which is not confined to one political party, nor to one section of the country. Why, bless your heart, sir, in the extreme Northern State of Michigan, from which I come, I can show you on a map a Congressional district 220 miles long and only 7 miles wide. [Laughter and applause.]

A MEMBER. Only 7 miles in one place?

Mr. TARSNEY. Yes, sir.

A MEMBER. Where is that?

Mr. TARSNEY. Why, it is in the Tenth district of Michigan.

Mr. ALLEN, of Michigan. Tell us why it is so—that God made the waters there.

Mr. TARSNEY. God made no mistake, but the people did, when they sent people like you to represent them in the State Legislature which enacted these gerrymandered districts.

Mr. ALLEN, of Michigan. These districts in Michigan are made up of contiguous territory.

Mr. TARSNEY. Yes, I understand they are quite contiguous and very elongated. [Laughter.]

Mr. ALLEN, of Michigan. You cannot divide a town or county under the law in Michigan.

Mr. TARSNEY. No, we do not divide towns or representative districts, I know; but the gerrymander is all the same.

Mr. ALLEN, of Michigan. My district consists of four counties which lie almost in a square.

Mr. TARSNEY. That district has been gerrymandered in order that you may hold your seat on this floor. [Laughter.]

Mr. CUTCHEON. You can not say that when he has stated his district is almost a square, and is composed of four counties.

Mr. TARSNEY. Yes, I understand it is a hollow square. [Laughter.]

Mr. CUTCHEON. Solid as a square can be under the circumstances.

Mr. TARSNEY. I understand your district, too, general. [Laughter.]

Mr. CUTCHEON. It is a solid district.

Mr. TARSNEY. Yes; they are careless there. They do not care who they are electing. [Laughter.] I hope, Mr. Speaker, this will not be taken out of my time.

Mr. CUTCHEON. My friend seems to be agreeing with us.

Mr. TARSNEY. I hope this will not be taken out of my time.

The SPEAKER *pro tempore*. Gentlemen will take their seats and order will be preserved in the Hall.

Mr. TARSNEY. Now, Mr. Speaker, I am entirely sick of this talk about a free ballot and a fair count. [Laughter.] There is altogether too much of it. You can not talk about a free ballot and a fair count in the Southern States where the laws are as rigid as in New Jersey and Michigan.

Mr. KEAN. I beg the gentleman's pardon.

Mr. TARSNEY. You need not beg my pardon; there is no occasion for it. [Laughter.]

I wish to say to you, and to bear testimony to it as a personal witness, that born in that State, having lived there, I have seen as much bulldozing at the polls in Michigan as I ever saw depicted on any page of paper in this House.

Mr. GUENTHER. Then why did you do it?

Mr. TARSNEY. You Republicans were the folks who did it, and yet you talk about a free ballot and a fair count! I can find you men employed in factories marched up to the polls and compelled to vote the ticket handed to them. It was a question of an empty stomach instead of a shotgun. [Laughter and applause.]

A MEMBER. It is everywhere.

Mr. TARSNEY. Yes, it is everywhere amongst you Republicans. [Laughter.] I want to see the time come when every citizen, white and black, can go to the polls and vote in absolute freedom, without intimidation, without interference on the part of employers. [Applause.]

Mr. CUTCHEON. That is good doctrine.

Mr. TARSNEY. But I know it is not so in the North, and I presume it is not so in the South. [Laughter.] Oh! I want to be fair to you gentlemen. But when you come to classify and draw sectional lines between the North and the South I say you are doing that which is positively and absolutely dishonest.

Now, when you argue and ask me to vote to seat this man over here, who I am entirely satisfied was not elected, I will not do it. You can take it to your own consciences, I will not take it to mine. [Applause.]

[Here the hammer fell.]

Mr. ROWELL. I now yie'd one minute of my time to my colleague from Illinois [Mr. PLUMB].

Mr. PLUMB. I ask recognition, Mr. Speaker, simply for the purpose of requesting unanimous consent to insert in the RECORD my remarks upon this subject.

The SPEAKER *pro tempore*. If there be no objection, the gentleman will be permitted to do so.

There was no objection.

Mr. ROWELL. I now ask unanimous consent that any member who desires to do so may have leave to print remarks upon this case.

Mr. ANDERSON, of Illinois. I object.

Mr. ROWELL. Mr. Speaker, in the remarks submitted by me in the opening of this discussion I confined myself strictly to the facts contained in the evidence and in the law as applicable to it. Imagine, then, my surprise when my friend from South Carolina [Mr. HEMP-HILL] charged me, of all other men, with having started a tirade of abuse against the South! Imagine my further surprise when he, rep-

rimanding me for conduct of which I was not guilty, spent forty minutes in the discussion of the question entirely outside and beyond the record, and neglected to say a single word about the facts of the case now about to be decided by the votes of this body!

I want, Mr. Speaker, in the few minutes remaining to me, to call the attention of the House back to the cold, naked facts as they are shown by the record in this case. Mr. Elliott was declared to be elected by a majority of 532 votes. In order to reach that result 152 votes cast for him and 2,010 votes cast for Smalls had to be rejected. Adding the 152 votes cast for Elliott to his majority it makes 684 votes. Deduct that from 2,010 and it leaves Smalls with an actual majority of the votes cast amounting to 1,326. If, in addition to that, you take the 441 votes, the correction of the precincts where the ballot-boxes were tampered with, as shown by the evidence, you increase his majority to 1,767. If you deduct from that the 100 votes and over cast for Elliott in DARGAN'S district, you make the majority nearly 1,900.

Now, then, it has been insisted by the gentlemen representing the majority of the committee that three districts or precincts in Beaufort County ought to be rejected because of intimidation. These three precincts cast 646 majority for Robert Smalls. If you take this number from the 1,326 votes, his majority of the actual votes put into the ballot-boxes, it still leaves Smalls with a majority of 580. It is however insisted that the Gadsden precinct, where the polls were not opened until an hour after the time prescribed by law, should be deducted. Take away, then, the 451 votes cast at Gadsden precinct, and it still leaves Robert Smalls a majority of 129; and while not one of these votes ought to be deducted under the evidence in this case and the law governing it, there is not another vote in all the list that has the semblance of an excuse in the law or in the fact for being deducted. The 212 in Santee where there was no barricade erected is twenty times, nearly, offset by the Democratic precincts where there were no barricades erected. The law requires the counting of the votes notwithstanding the fact that there was no barricade, and there is no variableness in the decisions of the court upon that law.

This conclusion, Mr. Speaker, or this calculation, leaves Robert Smalls with 129 majority, deducts everything claimed on the other side, except the Santee precinct and the Sandy Island precinct, where they had mistaken a notice and declare that that is rejected because the notice did not make a claim; but by reading the notice they find that they are mistaken in that—I say that this deducts everything that can possibly be questioned and still leaves Smalls 129 majority. But there is just as much reason for throwing out the 646 votes in the three Beaufort precincts as there is for throwing out every Republican vote cast in South Carolina and no more.

I call the attention of this House to the fact that with the exception of one witness, no man, a voter, has come upon the witness stand and sworn that he was prevented from voting the Democratic ticket. No man has come upon the witness stand and sworn that he was compelled to vote the Republican ticket. There is the evidence of opinion; there is the evidence of loud denunciatory talk on both sides, extending back over a period of years, but that is all. It is a fact that the colored people of South Carolina do not rest very easy under the yoke of disfranchisement, which they believe has been placed upon them, nor have they been altogether patient with a colored man who would lie down upon the ground and allow his neck to be trampled upon.

But when you come to the question of whether a man has been prevented from voting through fear, you have failed to find a single man, save one, who will come upon the stand and swear to it; and you have been obliged to go outside of the county to find your evidence. Now, the whole of this case is this: The law says the voter shall do everything required of him to be done in order to constitute himself a voter; and shall go further and attempt to deposit his ballot. If he does all these things, then nothing else shall prevent the counting of his ballot. The voters here have done all required of them; but you have interposed technical objections to the conduct of the election; not objections to the conduct of the voter, but objections to the conduct of the officers of the law—the party friends of the contestee. When you reject a case on a technicality of misprision, the fault of the officer of the law, you violate every legal precedent. You can do it possibly with your possession of the courts, by the power that you have, under the high-handed manner you defy precedents of law, when you reject the vote, not for the fault of the voter, but on account of fault of the officer of the law.

There is not a precinct, not one, outside of the question of intimidation, but that has been rejected by this committee, not on account of the fault of the voter, but on account of the fault of the officer; and if this House shall vote Mr. Elliott entitled to retain his seat and Mr. Smalls not entitled to receive his rights, they will do it upon the proposition of a law that the neglect of an officer shall work to the detriment of the voter. There is no other proposition in it. The whole argument on the other side of the House, so far as that argument has touched the fact, in this case, has been based upon that false proposition of law unsustained anywhere by any creditable authority. The whole argument, I say, has been based upon that proposition of law, and it has no legs to stand upon by the adjudication of any re-

spectable court. Now, Mr. Speaker, having said this, I ask the privilege for myself of extending my remarks.

The SPEAKER *pro tempore*. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none, and the request is granted.

Mr. CRISP. I ask, what time is remaining to this side?

The SPEAKER *pro tempore*. Thirty-five minutes remain to the gentleman from Georgia, and five minutes remain to the gentleman from Illinois. [Cries of "Vote!" "Vote!"]

Mr. CRISP. If the gentleman desires to take that time, he can take it now. [After a pause.] The gentleman does not want to take it.

Mr. Speaker, I hope it will not be found necessary to detain the House so long as thirty minutes, but I deem it proper that some reply should be made to remarks on the other side reflecting to some extent upon my people, and necessary that I should devote a few words to the refutation of statements of the gentleman from Illinois [Mr. ROWELL], which I think are wholly unsustained by the record in this case.

Now, Mr. Speaker, we have heard a great deal from the other side of the House on the subject of elections in the South. The gentlemen over there seem to feel a great interest in this subject. They seem to feel they are especially commissioned to look into such matters, and they relish greatly partisan newspaper accounts that they see from time to time, stating that great outrages are committed in the South, and that the election officers in that part of the country do not make honest returns. Now, Mr. Speaker, speaking for myself and for the State I have the honor in part to represent, I want to say there is nothing in any practice there, there is nothing in any election law there, there is nothing that takes place preceding or during an election there respecting a free ballot and a fair count that is not as perfectly fair, as perfectly honest, and as perfectly honorable as are the laws and practices in any State in the Union.

Mr. REED. What do you think about South Carolina?

Mr. CRISP. Now, gentlemen on the other side point to the small vote in Georgia as an evidence of intimidation there. They do not point to one particle of evidence; they do not produce the statement of a single man; they do not point to a contest in this House from the State of Georgia where there is a particle of sworn testimony that elections are not as free and as fair there as in any State of the Union. But, sir, simply because the representatives from Georgia receive but few votes at the polls that State is selected and its representatives are singled out to be held up to the people of the North as evidence that intimidation exists throughout the South. Mr. Speaker, in Georgia we have many elections. In most States all the State, county, and Federal officers are elected at the same time; this is not the case in Georgia. We elect a governor and members of the Legislature in October. We elect members of Congress in November. We elect all the county officers who are to manage our county affairs the following January. At each of these elections where there is a contest between the parties or individuals there is a numerically respectable vote polled. But at elections where a candidate has no opposition, where there is no contest, the vote is small. When there is a contest for the nomination the vote is large. When there is a contest before the people for county officers, there being as a general thing no party nomination, the vote is large. When there is an election where there is no opposition in a local election the vote is small.

But I say to you that the reason why it is small is the fact that there is no opposition. Gentlemen marvel at that. Gentlemen say they do not understand that. It is simply because gentlemen do not understand the situation in the South; and, my Republican friends, you do not seem to want to understand it. You see some statement in a partisan newspaper of the political situation in the South, and whenever that statement charges or intimates that the white people of the South have done anything to improperly influence the colored voters you unhesitatingly accept it as true. Wherever we present to you, as we do in this record, sworn testimony of reputable members of society, black and white, Republicans and Democrats, of the intimidation of the Democratic colored man by the Republican colored man, you lean back in your seats, complacently smile, and say you do not believe it is true. Why, Mr. Speaker, take the district in Georgia represented by my friend Mr. BARNES. The first time he was a candidate for Congress he was nominated by the Democratic party. The convention of the Republican party met for the purpose of making a nomination and adopted a resolution showing they were satisfied with the Democratic nominee, and they would nominate nobody against him.

Now, that is not hearsay; that is a fact. The result of that was all the votes that were polled were polled for Major BARNES, and he was elected. Who has got the right to complain of it if the Republican party in that district are satisfied? Take the district I have the honor to represent. Take the vote cast at the election for Congress in 1886, which is the vote that has been paraded all over the country as going to show that the colored people in that district are intimidated. What are the facts about it? I was nominated by the Democratic party. The Republican party made no nomination against me. There was no candidate before the people but myself. No other officer was to be then elected. There were no local contests to bring out the voters. For

nearly twenty years no Republican had gone through my State or my district to discuss political questions before the people. There have been none of those political discussions between the candidates of the parties which arouse and excite people and make each party try to excel the other in numbers at the polls.

Mr. REED. Why is that?

Mr. CRISP. The result was that in some counties in that district they did not open the polls at all.

Mr. REED. Why is it that there is no political interest in your region?

Mr. CRISP. There was not, Mr. Speaker, at that election a single vote polled against me. Now, I am very sure that no gentleman here with whom I am acquainted or who is acquainted with me—

Mr. REED (interposing). Why is it that there is no political discussion there?

Mr. CRISP (continuing). Will say that my character as a "bulldozer" is such that it would prevent a single individual from going to the polls and recording his vote against me. The trouble with you gentlemen is, that you want to believe—

Mr. ALLEN, of Michigan. Oh, no.

Mr. CRISP. The trouble is that you want to believe that the Democratic party at the South is doing something wrong. The trouble is about this: After the war, the result of which freed the colored man, you felt that he was bound to you body and soul forever. You felt that he could be used as an ignorant voter who would go blindly to the polls at your bidding, and send men here that you might use to vote as you wanted them to vote. But when you found out that the colored men in the South, the great majority of them, were not politicians, that they cared but very little which party was in power, that they were utterly indifferent to many of the great issues which excited people at the North, that they were not Republicans from principle—when you found that out, then you began at once to see that something must be done. You said, "Here is a vast mass of voters that we expected to hold indefinitely for the favors we had rendered them. These voters have ceased to sustain us. What is the reason of it? What is to be done?"

Mr. REED. That is what we would like to know.

Mr. CRISP. Then, my friends, "some busy and insinuating rogue, some coggling cozening slave, to get some office," devised the slander that has been circulated among the people of the North.

Mr. ADAMS. Are there no Republicans in sentiment in your district?

Mr. CRISP. Why, Mr. Speaker, if I had the time—

Mr. ALLEN, of Michigan. We will give you the time.

Mr. CRISP. If I had the time I could tell you of the condition of the Republican party in Georgia, and you would see and realize why the present state of affairs exists there.

Mr. ADAMS. Are they in fact Republicans, though?

Mr. CRISP. I could show you that the Republican party met in convention some years ago, composed largely of colored people with some small minority of whites, and fell out among themselves about the division of the offices of the convention, who should be president, who should be secretary, and so on, and resolved to divide and to abandon each other; and, although you may not realize it, it is literally true, that since the Federal office-holders, who were Republicans, went out of office in Georgia there has been no Republican organization there except the one which they keep up to send delegates to conventions to nominate the Republican candidates for the Presidency. [Laughter and applause on the Democratic side.] That is about all that they publicly do, and perhaps it would not become me to state the inducement they have to do that. Pardon another personal allusion.

There is a gentleman upon the floor, a gentleman of whose existence I had no knowledge up to the time I saw his remarks in the RECORD, a gentleman whom I did not know even by sight, who, I found on my return from home last summer (where I had gone to see a sick child), had printed in the RECORD during my absence, and, I presume, had delivered on the floor, a speech in which he arraigned my district and myself and the Speaker of this House upon charges and statements that were absolutely—inaccurate. I believe that is a parliamentary word. [Laughter.] I refer to a gentleman from Ohio named KENNEDY, from whom my friend from South Carolina [Mr. HEMPHILL] quoted here to-day. That gentleman says in a speech delivered on the 12th day of July, 1888:

One thousand seven hundred and four votes elect Mr. CRISP, Democrat, to this floor from Georgia, while 43,890 votes elect Mr. BYNUM, Democrat, from Indiana; in other words, it would seem as if one Democrat in Georgia is as powerful at the ballot-box as twenty-five Democrats in Indiana.

And, as if to emphasize the infamy of this glaring and almost unspeakable outrage upon the ballot-boxes of the land, Mr. CRISP, of Georgia, who comes here after having suppressed almost the entire voting population of his own district, is, by the Democratic Speaker of this House, placed at the head of the Committee on Elections, to sit upon the election and qualification of every other member of this House. Could the irony of infamy and outrage go further than this.

Now, Mr. Speaker, it is charitable to say that the gentleman from Ohio was ignorant on the subject which he was talking about. Every member of this House knows, or ought to know—I ought to acquit the gentleman from Ohio from knowing, because his statement other-

wise would be malicious—every other member of this House knows that the Speaker of the House did not appoint the Committee on Elections. Every other member knows that the Committee on Elections of this Congress was elected by the Representatives on the floor.

Mr. CUTCHEON. I presume the gentleman from Ohio [Mr. KENNEDY] relied on the Journal of the House, and was thus led into a mistake.

Mr. CRISP. I had a right to presume that he ought to know what takes place before his eyes. It appears that he does not. Now, what I want to ask you is if he does not know what takes place here where he can see it, how does he know what takes place in Georgia where perhaps he has never been? [Laughter and applause on the Democratic side.]

Now, I suppose the gentleman recklessly made that statement to send home to arouse and inflame the people of his district. That kind of a statement—

Mr. KENNEDY. Will the gentleman permit me a moment?

Mr. CRISP. Certainly.

Mr. KENNEDY. Is it not a fact that the Speaker of this House selected first the committee himself, and that afterward when his case came for contest before this House— [Cries of "Oh, no!"]

Mr. KENNEDY. And that afterward when his case came for contest before this House, he came in and asked the House to select the committee, he having first himself in his own room chosen it, and that the Democratic side of this Chamber simply ratified the selection which the Speaker of the House had already made. [Applause on the Republican side. Cries of "Oh, no!" on the Democratic side.]

Mr. CRISP. Now, Mr. Speaker, that applause is an evidence of the feeling on that side of the House on any question which comes up here touching elections in the South. Gentlemen over there have applauded a statement which every man on that side who knows anything about the history of this Congress knows is untrue. [Applause on the Democratic side.]

Mr. KENNEDY. Will the gentleman bear with me a moment again?

Mr. CRISP. Well, of course, if it bears on this question. This is a question of fact.

Mr. KENNEDY. A single word. I want to ask you this question: Even if it were true that the Speaker of the House of Representatives did not place you on the Committee on Elections—you who were chosen by 1,704 votes—the smallest vote that elected any man to a seat on this floor—is it not true that the Democratic members on your side of the House chose you as chairman of that committee, ratifying an infamy which I denounced on this floor and which I denounce now? [Applause on the Republican side.]

Mr. CRISP. Mr. Speaker, I was not proposing to enter into any controversy with the gentleman from Ohio as to what the House did. My point was this: That there was a gentleman considered by his own people in Ohio a fit representative to send to Congress—a gentleman who, I am informed, has been lieutenant-governor of that great State. He comes here to the House as a representative, and either through ignorance (and ignorance of the grossest character) or through malice, he seeks to not only misrepresent me, but to misrepresent the distinguished gentleman who presides over the deliberations of this House. [Applause on the Democratic side.] That is the charge that is made against the gentleman. Why, Mr. Speaker, I have no doubt this speech was circulated over the district of the gentleman; and I have no doubt those people believe to-day that what was stated in those remarks was true. Everybody here knows that that portion of it is inaccurate. Everybody who is at all acquainted with affairs in Georgia knows that the other portion of it is inaccurate. It seems to me that a common sense of justice would suggest to the gentleman that the people of a State when accused of crime should have the same right accorded to them that is accorded to an individual by all law and in every court on earth—that is the right to be presumed innocent until the charge is proven.

Mr. KENNEDY. Will the gentleman permit me to ask him one more question?

Mr. CRISP. I think from my experience and observation of the gentleman's conduct—

Mr. KENNEDY. Just one more question.

Mr. CRISP. I had better not have any more controversy with him. The SPEAKER *pro tempore* (Mr. McCREARY). The gentleman from Georgia declines to yield.

Mr. CRISP. Now, Mr. Speaker, I want to say something in conclusion about the points in this case, just a few words. Before doing so I want to say that the extreme anxiety of gentlemen on the other side of the House to do some kindness or some favor to the negro, when he does not live in their community or their own neighborhood, is understood of all men who know anything about public affairs in the past. Every man at all acquainted with the legislation of Congress knows that it was the Republican party that took away from the colored man in the District of Columbia the right to vote.

Mr. MILLIKEN. But who freed him in the District of Columbia?

Mr. CRISP. The gentleman is one of those who act upon the mistaken and erroneous idea that the influence and force of past favors are greater upon the colored man than the anticipation and hope of favors that are to come.

Mr. MILLIKEN. Nothing of the kind; but when the gentleman desires to quote the record of the Republican party in its relation to the negro, he had better go back and quote the whole record, and see where he stands then.

Mr. CRISP. Well, my friend, if I should quote the whole of the record it would bring the blush of shame—

Mr. MILLIKEN. Upon your face, not ours.

Mr. CRISP. Upon the face of every patriotic member of the party for which the gentleman speaks.

Mr. MILLIKEN. If your party can stand up without the blush of shame—

Mr. CRISP. Mr. Speaker, in the long history of parties in this country there has never been one that has made so many professions and promises which it failed to keep, and there has never been a party which committed, under the shibboleth of "God and morality," so many outrages upon the free institutions of the United States. [Applause on the Democratic side.]

Mr. MILLIKEN. Well, if we had not taken great pains with your party we would not have had so many free citizens in the South to-day. [Applause on the Republican side.]

Mr. CRISP. Now, Mr. Speaker, I stated, and that seemed to excite the ire of the gentleman from Maine—

Mr. MILLIKEN. Oh, no; I am not at all excited; you appear to be.

Mr. CRISP. That it was the Republican party that took from the colored people in the District of Columbia the right of suffrage.

Mr. MILLIKEN. What did we give them in return?

Mr. CRISP. And in doing this—

Mr. LODGE. Is that all we did? Was it taken from the white people here?

Mr. CRISP. Mr. Speaker, it was the teachings of this same party which prompted the gentleman from Massachusetts [Mr. LODGE] and the gentleman from Illinois [Mr. MASON] on the floor of the American House of Representatives to say that they believe it is a right and proper thing to station troops in the States at the polls.

Mr. LODGE. To preserve order.

Mr. CRISP. To have a fair and free election.

Mr. LODGE. Yes; we do.

Mr. MILLIKEN. If we can not have it in any other way. We can not do it in any other way in your country.

Mr. CRISP. Mr. Speaker, let me read to the House a resolution adopted by the British House of Parliament one hundred and thirty years ago, when troops were stationed at the polls in England, as the gentleman from Massachusetts now wants to have them stationed at the polls in America in order to have, as he claims, "a free and fair election."

At an election held for member of Parliament for Westminster over one hundred and thirty years ago, by order of three magistrates a body of English troops were marched up and halted in the church-yard at St. Paul, Covent Garden, very near the polls where the balloting was proceeding. Upon being informed of this fact by the Speaker, the House of Commons passed unanimously the following resolution:

That the presence of a regular body of armed soldiers at an election of members to serve in Parliament is a high infringement of the liberties of the subject, a manifest violation of the freedom of elections, and an open defiance of the laws and constitution of this kingdom.

[Applause on the Democratic side.]

The gentleman from Massachusetts, under the teachings of the Republican party, has brought himself to believe that consistently with the Constitution under which we live, consistently with the form of government which our fathers founded, troops can be brought to the polls to secure free elections. Sir, the great men of Massachusetts in the past, if living to-day, would blush—ay, blush for that great State when one of her Representatives on this floor makes such an utterance as that. [Applause on the Democratic side.]

Now, sir, a word about the pending case. Your Committee on Elections have endeavored to try this case according to the evidence. The minority of the Committee on Elections, in presenting their report to this House, have at the very outset bid defiance to all the rules of evidence and all the rules that ought to govern the action of a committee of this body in presenting a case for the consideration of the House. They begin by quoting an article from a newspaper, and assume to call that evidence. They end by reading upon the floor of the House extracts from newspapers, and they ask you to call that evidence. The gentleman from Massachusetts [Mr. LODGE] gives you his opinion as to what condition of affairs exists in South Carolina. Let me call your attention to the evidence in the case and give you the opinion of another gentleman from Massachusetts, a gentleman whose opinion—and I can say it with the utmost respect for the gentleman from Massachusetts [Mr. LODGE] sitting here—a gentleman whose opinion on this question is far more valuable, because he now lives in the district in South Carolina where this election was held, and knows whereof he speaks. The Representative from Massachusetts [Mr. LODGE] from newspapers gathers his facts. The other gentleman from Massachusetts tells what he sees. The Representative from Massachusetts [Mr. LODGE] says that fraud and outrage were committed by the white people in the Seventh district of South Carolina. The other gentleman from Massachusetts, Mr. Cole, testifies in this record:

That he was born at Woburn, Mass.; graduated at Harvard in 1862; moved to

South Carolina in 1863; was Government superintendent of abandoned lands during the war, and has resided twenty-one years on Ladies' Island, Beaufort County, South Carolina; that ordinarily—

And I want to call your attention specially to this—

he is the only white voter on the island; that in 1886 the total vote was 206, of which 11 were cast by white men, and that contestant got 129, and contestee 77; that Ladies' Island lies between Beaufort and St. Helena Island, and is 1 mile from Beaufort; that most of the colored voters are land-owners and taxpayers, and since 1886—

That should be 1876. It is a misprint—

have had a general tendency to vote the Democratic ticket in consequence of reduction of taxation by the Democrats, improvement of the public schools, and general security of their rights; that after the mass meeting at Beaufort in October, 1886, which the Ladies' Island Democratic Club attended, and of which accounts are elsewhere given, most determined efforts were made by the Republican leaders to break up this club; that a club of women was organized to beat all men voting the Democratic ticket, and that many threats were made against Democratic men and women.

Now listen to this:

That it had been announced that contestee would speak on the island the day before the election; but in consequence of many threats that he would not be allowed to speak, the meeting was abandoned, although contestee was ready and anxious to attend.

The conservative people of the island, in view of the outrageous conduct of the Republican leaders, insisted that Colonel Elliott should not go there to speak, because of the fear of bloodshed that would follow from the violence of the Republicans.

That prior to the election the Democratic voters were in a state of fear for their personal safety, and that there would specially be trouble on election day.

That in consequence of this, deponent distributed Democratic tickets on the night before the election himself—staid all night with many of the voters at a house near the polls, so as to quiet their fears, and that all were instructed to be early at the polls, so as to vote as soon as the polls were open, and to take Republican tickets from the runners for that party. That during election day many women were near the polls, armed with sticks, making a good deal of noise and disturbance, threatening talk, cursing, threats of what ought to be done and would be done with Democrats; that a Republican runner jerked from the hand of a voter a Democratic ticket which deponent had given him; that early in the campaign deponent had good reason to believe that Democrats would carry the poll, but that in consequence of this intimidation "numbers that intended voting the Democratic ticket did not vote at all, and others voted the Republican ticket." That the Democrats were specially fearful of trouble after the polls were closed, and many left the polls on that account, and for a month after the election many did not dare go out at night, and some so continued up to the date of witness's deposition; that in every contest between the parties for ten years past some Democrat had been beaten; that it required a great deal of nerve and courage, not only on Ladies' Island, but at Beaufort and St. Helena (or Brick Church) for a colored man to admit that he was a Democrat, and that he knew that many throughout Beaufort County were prevented from voting the Democratic ticket.

Mr. JOHNSTON, of Indiana. Do you vouch for that man's statement?

Mr. CRISP. I put against the unsworn statement of Mr. LODGE, of Massachusetts, the sworn statement of Mr. Cole, of Massachusetts. The question for the House to determine is which it will accept. Will you accept the unsworn partisan statement of a Representative from Massachusetts or will you accept the unimpeached, sworn evidence of this man from Massachusetts?

Mr. JOHNSTON, of Indiana. Will you answer me one question? [Cries of "Sit down!" on the Democratic side.]

Mr. CRISP. But, Mr. Speaker—

Mr. JOHNSTON, of Indiana. I simply want to ask one question. [Cries of "Sit down!" on the Democratic side.]

Mr. CRISP. Mr. Speaker—

Mr. JOHNSTON, of Indiana. Will you vouch for your witness?

Mr. CRISP. The gentleman from Indiana has found it necessary to emulate the tactics of Smalls [applause on the Democratic side], and will not allow me to proceed to make my speech.

Mr. JOHNSTON, of Indiana. Will the gentleman vouch for the witness whose testimony he has read? [Cries of "Sit down!" on the Democratic side.]

Mr. CRISP. The gentleman from Indiana addressed the House the other day upon this case. I was much amused for one at the earnestness and zeal with which he plead, as he claimed, for a fair and free election. In view of what has taken place in that gentleman's State, I was very much amused. [Cries of "Blocks of five!" It occurs to me that coming from a State where such methods are resorted to as those suggested in the celebrated "blocks-of-five letter" [loud applause on the Democratic side] it might be well for the gentleman to purify things at home before he began looking abroad. [Applause.] Mr. Speaker—

Mr. BOUTELLE. Why do you not depict?

Mr. CHEADLE. Will the gentleman permit me to ask him a question?

Mr. CRISP. Mr. Speaker—

Mr. CHEADLE. Will the gentleman permit me to ask him a question?

Mr. CRISP. I will not.

Mr. CHEADLE. Then why do you talk of Indiana? It has nothing at all to do with this case. You have made a charge against the State of Indiana. [Cries of "Sit down!" on the Democratic side.]

The SPEAKER *pro tempore*. The time of the gentleman from Georgia has expired.

Mr. CRISP. I desire to have the attention of the House— [Cries of "Regular order!" on the Republican side.] It is hardly just to me

to be taken off the floor by turmoil. My time has been consumed by interruptions and turmoil; and I insist that I have the right to be heard.

Mr. JOHNSTON, of Indiana. I hope the House will let the gentleman go on until he shall have completed his statement. [Cries of "Regular order!" on the Democratic side.]

The SPEAKER *pro tempore*. The Sergeant-at-Arms will proceed to enforce order.

The Sergeant-at-Arms proceeded to request members to take their seats.

Mr. JOHNSTON, of Indiana. I want to ask [cries of "Regular order!"] unanimous consent—

Several MEMBERS on the Democratic side. I object.

Mr. CRISP. I only want to say one word—

Mr. JOHNSTON, of Indiana. I hope that the gentleman from Georgia will be allowed to proceed in his— [Cries of "Regular order!" on the Democratic side.]

The SPEAKER *pro tempore*. The time of the gentleman from Georgia has expired. [Cries of "Vote!" "Vote!"]

Mr. CRISP. My time was taken away from me by gentlemen on the other side. It was taken away by the boisterous conduct on the other side of the House. [Cries of "Regular order!" on the Republican side.]

Mr. DAVIS. I hope the gentleman from Georgia will have such time given him as he has lost by interruption. [Cries of "Regular order!" on the Democratic side.]

Mr. CRISP. Well, Mr. Speaker, I demand the previous question. [Applause.]

The SPEAKER *pro tempore*. The gentleman from Georgia [Mr. CRISP] demands the previous question.

Mr. ROWELL. On the resolution and on the substitute, I suppose?

Mr. CRISP. I believe that by an order of the House heretofore made the previous question is now ordered.

Mr. ROWELL. The previous question is ordered, and I suppose the vote comes now on the substitute.

Mr. CRISP. On that I demand the yeas and nays.

Mr. ROWELL. I demand the yeas and nays also.

Mr. CRISP. I would like to have accorded to me the same privilege that was accorded to my friend from Illinois [Mr. ROWELL], but I promise now that I will put nothing in the RECORD except extracts from the evidence.

Mr. JOHNSTON, of Indiana. If you will let us put in the answer to your speech we will agree to that.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Georgia?

Mr. HAUGEN and others objected.

Mr. OUTHWAITE. That is right. You are afraid of the record.

Mr. WASHINGTON. That is right. It is just like your conduct all through. You will not let a man either talk or print.

Mr. LODGE (to Mr. CRISP). The gentleman from Indiana is entitled to that courtesy.

Mr. CRISP. He is not entitled to it. He is an interloper.

Mr. LODGE. He is entitled to the same courtesy that you are entitled to.

Mr. CRISP. He is an interloper.

[Cries of "Regular order!" on the Democratic side.]

The SPEAKER *pro tempore*. The Clerk will now report the substitute.

Mr. BUCKALEW. Before that is done, Mr. Speaker, I ask the attention of the Chair for one moment—

Mr. ROWELL (interposing). I ask unanimous consent that the gentleman from Georgia [Mr. CRISP] may have leave to extend his remarks, and I hope that nobody on this side will object.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois?

There was no objection, and it was so ordered.

Mr. ROWELL. Now, Mr. Speaker, I ask unanimous consent for any member of the House to publish remarks on this case.

Mr. COBB and others objected.

Mr. JOHNSTON, of Indiana. Now, Mr. Speaker, I ask unanimous consent that I may be allowed to print remarks in answer to the fling which the gentleman has made at the State of Indiana.

Mr. O'FERRALL. I object.

[Loud cries of "Regular order!" on the Democratic side.]

Mr. JOHNSTON, of Indiana. Who objects?

Mr. O'FERRALL (rising). I object, Mr. Speaker.

Mr. OWEN. Mr. Speaker, is it too late to enter an objection now against the consent given for the chairman of the committee [Mr. CRISP] to extend his remarks in the RECORD?

The SPEAKER *pro tempore*. It is.

Mr. OWEN. Then there is a hereafter on unanimous consents.

Mr. LANE. I call for the regular order.

The SPEAKER *pro tempore*. The question now is on the substitute.

Mr. REED. Mr. Speaker, I ask the House to listen to me for one moment. The gentleman from Georgia [Mr. CRISP] asked permission to extend his remarks and objection was made unless permission should be given also to the gentleman from Indiana [Mr. JOHNSTON].

[Cries of "No!" "No!" and "Regular order!" on the Democratic side.]

Mr. REED. Wait a moment. Hear me through.

[Renewed cries of "Regular order!"]

Mr. REED. Wait a moment.

Mr. BIGGS. Mr. Speaker, I want the gentleman from Maine [Mr. REED] to have an opportunity to make his explanation, and I hope the House will give it to him.

Mr. REED. Permission was given me to speak, and I want to finish what I have to say. [Renewed cries of "Regular order!" on the Democratic side.] Thereupon the gentleman from Illinois [Mr. ROWELL] requested that permission be given to the gentleman from Georgia [Mr. CRISP] and no one on this side objected. Now I ask the House, with a proper sense of fairness, to give the same privilege to the gentleman from Indiana [Mr. JOHNSTON], whose State has been attacked, and I want to know if there is any gentleman on the other side who feels that his course would be honorable in making objection after permission was given to the gentleman from Georgia. [Renewed cries of "Regular order!" on the Democratic side.]

Mr. CRISP. I have no objection myself to the request of the gentleman from Indiana, but the gentleman from Maine [Mr. REED] misapprehends the situation entirely. The House extended to the gentleman from Illinois [Mr. ROWELL] unanimous consent to extend his remarks, and I merely asked to be put on the same footing with him, and the gentleman from Indiana [Mr. JOHNSTON] was not included in the proposition at all.

Mr. REED. But the gentleman from Indiana [Mr. JOHNSTON] had made an objection, and it was with the distinct understanding that he was to have the same privilege that the objection was withdrawn. [Cries of "No!" "No!" on the Democratic side.]

Mr. REED. The gentleman from Indiana [Mr. JOHNSTON] had made that condition.

Mr. OWEN. You gentlemen on the other side are evidently afraid of the reply. [Derisive laughter on the Democratic side.]

Mr. CHADLE. I rise to a parliamentary inquiry.

Mr. ANDERSON, of Kansas. I move that the House do now adjourn.

Mr. CRISP. We have an arrangement, agreed to by both majority and the minority, that the vote shall be taken upon this case at this time.

Several MEMBERS on the Democratic side. Vote down the motion to adjourn.

The question was taken on the motion to adjourn, and the Speaker *pro tempore* declared that the yeas seemed to have it.

Mr. ANDERSON, of Kansas. I call for a division.

Mr. HENDERSON, of Iowa. Mr. Speaker, what are we voting upon?

The SPEAKER *pro tempore*. The Chair has stated the motion. The gentleman from Kansas [Mr. ANDERSON] moves that the House do now adjourn.

The House divided on the motion to adjourn; and there were—ayes 23, noes 174.

So the motion was rejected.

The SPEAKER *pro tempore*. The question now is on the substitute proposed by the minority of the committee.

Mr. ROWELL. I call for the reading of the substitute.

The Clerk read as follows:

Resolved, That William Elliott was not elected, and is not entitled to a seat in the Fiftieth Congress from the Seventh South Carolina district.

Resolved, That Robert Smalls was elected, and is entitled to a seat in the Fiftieth Congress from the Seventh South Carolina district.

Mr. CRISP. Mr. Speaker, I ask for a division of the question on those resolutions. [Cries of "No!" "No!"] Very well; I demand the yeas and nays on agreeing to the resolutions.

The yeas and nays were ordered.

Mr. BLAND. I rise to a parliamentary question. I understand that one of those resolutions resolves that Robert Smalls was elected and the other that Mr. Elliott was elected.

Several MEMBERS. Oh, no.

Mr. BLAND. Let the resolutions be read again.

The Clerk again read the resolutions.

The question was taken; and it was decided in the negative—yeas 127, nays 142, not voting 53; as follows:

YEAS—127.

Adams, Mass.	Brewer,	Davenport,	Guenther,
Allen, Mich.	Brower,	Davis,	Haugen,
Anderson, Iowa	Browne, Ind.	De Lano,	Hayden,
Anderson, Kans.	Brown, Ohio	Dingley,	Henderson, Iowa
Arnold,	Buchanan,	Dorsey,	Henderson, Ill.
Atkinson,	Burrows,	Dunham,	Hiestand,
Baker, N. Y.	Butterworth,	Farquhar,	Hires,
Baker, Ill.	Cannon,	Finley,	Hitt,
Bayne,	Caswell,	Fitch,	Holmes,
Belden,	Cheadle,	Fuller,	Hopkins, Ill.
Bingham,	Clark,	Funston,	Hopkins, N. Y.
Boothman,	Cogswell,	Gallinger,	Jackson,
Bound,	Conger,	Gear,	Kean,
Boutelle,	Cooper,	Gest,	Kelley,
Bowden,	Cutcheon,	Grosvenor,	Kennedy,
	Dalzell,	Grout,	Kerr,

La Follette,
Laidlaw,
Lehlbach,
Lind,
Lodge,
Long,
McComas,
McCormick,
McKenna,
McKinley,
Milliken,
Moffitt,
Morrill,
Morrow,
Nelson,
Nichols,

O'Donnell,
O'Neill, Pa.
Osborne,
Owen,
Parker,
Patton,
Payson,
Perkins,
Peters,
Phelps,
Plumb,
Posey,
Post,
Pugsley,
Reed,
Rockwell,

Romeis,
Rowell,
Russell, Conn.
Russell, Mass.
Ryan,
Sawyer,
Seull,
Seymour,
Spooner,
Steele,
Stephenson,
Stewart, Vt.
Struble,
Taylor, J. D., Ohio
Thomas, Ky.
Thomas, Ill.

Thomas, Wis.
Thompson, Ohio
Turner, Kans.
Vandever,
Wade,
Weber,
West,
White, Ind.
Whiting, Mass.
Wickham,
Wilber,
Williams,
Wilson, Minn.
Woodburn,
Yardley.

NAYS—142.

Abbott,
Allen, Miss.
Anderson, Miss.
Anderson, Ill.
Bacon,
Bankhead,
Biggs,
Blanchard,
Bland,
Bliss,
Blount,
Breckinridge, Ark.
Bryce,
Burnett,
Bynum,
Campbell, F. N. Y.
Campbell, Ohio
Campbell, T. J., N. Y.
Candler,
Carlton,
Caruth,
Catehings,
Chipman,
Clardy,
Clements,
Cobb,
Collins,
Compton,
Cottrhan,
Cowles,
Cox,
Crain,
Crisp,
Culbertson,
Cummings,

Dargan,
Davidson, Ala.
Davidson, Fla.
Dibble,
Dockery,
Dougherty,
Dunn,
Enloe,
Ermentrout,
Fisher,
Foran,
Ford,
Forney,
French,
Gay,
Gibson,
Glass,
Glover,
Grimes,
Hall,
Hare,
Hatch,
Hayes,
Heard,
Hemphill,
Henderson, N. C.
Herbert,
Holman,
Hooker,
Hopkins, Va.
Howard,
Hudd,
Hutton,
Johnston, N. C.
Jones,
Kilgore,

Laffoon,
Lagan,
Landes,
Lane,
Lanham,
Latham,
Lawler,
Lynch,
Macdonald,
Mahoney,
Maish,
Martin,
Matson,
McAdoo,
McClammy,
McCreary,
McKinney,
McMillin,
McRae,
Merriman,
Mills,
Montgomery,
Moore,
Morgan,
Newton,
Norwood,
O'Ferrall,
O'Neill, Mo.
Outhwaite,
Peel,
Pennington,
Perry,
Pideock,
Randall,
Rice,
Richardson,

Robertson,
Rogers,
Rowland,
Rusk,
Sayers,
Seney,
Shaw,
Shively,
Simmons,
Sowden,
Spinola,
Springer,
Stahlnecker,
Stewart, Tex.
Stewart, Ga.
Stockdale,
Stone, Ky.
Stone, Mo.
Tarsney,
Thompson, Cal.
Tillman,
Townshend,
Turner, Ga.
Vance,
Walker,
Washington,
Weaver,
Wheeler,
Whiting, Mich.
Wilkins,
Wilkinson,
Wilson, W. Va.
Wise,
Yoder.

NOT VOTING—53.

Barnes,
Barry,
Bowen,
Browne, T. H. B., Va.
Brown, J. R., Va.
Brumm,
Buckalew,
Bunnell,
Butler,
Cockran,
Crouse,
Darlington,
Elliott,
Felton,

Flood,
Gaines,
Goff,
Granger,
Greenman,
Harmer,
Hermann,
Hogg,
Houk,
Hunter,
Johnston, Ind.
Ketcham,
Laird,
Lee,

Lyman,
Maffett,
Mansur,
Mason,
McCullogh,
McShane,
Morse,
Neal,
Nutting,
Oates,
O'Neill, Ind.
Phelan,
Rayner,
Scott,

Sherman,
Smith,
Snyder,
Symes,
Taulbee,
Taylor, E. B., Ohio
Tracey,
Warner,
White, N. Y.
Whitthorne,
Yost.

So the substitute was rejected.

On motion of Mr. LODGE, by unanimous consent, the reading was dispensed with.

The following pairs were announced on all political questions until further notice:

Mr. SCOTT with Mr. CROUSE.

Mr. PHELAN with Mr. BUTLER.

Mr. MANSUR with Mr. WARNER.

Mr. WHITTHORNE with Mr. LYMAN.

Mr. MC SHANE with Mr. LAIRD.

Mr. SNYDER with Mr. BOWEN.

Mr. NEAL with Mr. HOUK.

For this day:

Mr. MORSE with Mr. SYMES.

Mr. RAYNER with Mr. THOMAS H. B. BROWNE.

Mr. HOGG with Mr. GOFF.

On the Smalls-Elliott contest:

Mr. O'NEALL, of Indiana, with Mr. FLOOD.

Mr. GREENMAN with Mr. SHERMAN.

Mr. JOHNSTON, of Indiana, with Mr. BARRY.

Mr. GRANGER with Mr. KETCHAM.

Mr. COCKRAN with Mr. WHITE, of New York.

Mr. TRACEY with Mr. MASON.

Mr. LEE with Mr. HARMER.

Mr. BARNES with Mr. HERMANN.

Mr. OATES with Mr. EZRA B. TAYLOR; Mr. TAYLOR would vote for Mr. Smalls and Mr. OATES for Mr. Elliott.

Mr. TAULBEE with Mr. HUNTER; Mr. TAULBEE would vote for Mr. Elliott and Mr. HUNTER for Mr. Smalls.

Mr. BUCKALEW with Mr. DARLINGTON; Mr. DARLINGTON would vote for the contestant and Mr. BUCKALEW against him.

Mr. BUTLER. I am paired on political questions with my colleague, Mr. PHELAN. I presume that he, coming from the district he does, would vote "no" on this question. I should vote "ay."

Mr. O'FERRALL. I desire to state that my colleague, Mr. LEE, who is paired on this question, would, if present, vote "no" on this proposition.

The vote was then announced as above recorded. [Applause on the Democratic side.]

The SPEAKER *pro tempore*. The question now recurs on the resolutions reported by the Committee on Elections.

Mr. HATCH. Let them be read.

The Clerk read as follows:

Resolved, That Robert Smalls was not elected a Representative to the Fiftieth Congress from the Seventh district of South Carolina.

Resolved, That William Elliott was duly elected a Representative to the Fiftieth Congress from the Seventh district of South Carolina, and is entitled to his seat.

The resolutions were adopted.

[Applause on the Democratic side.]

Mr. CRISP moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that he had been directed to request the return to the Senate of the bill (S. 314) for the relief of Henry M. Rector.

It further announced the passage of the bill (S. 3439) authorizing the Secretary of War to ascertain the amount of money which has been expended and the obligations assumed by the State of California growing out of Indian hostilities therein and upon the borders thereof, not heretofore reimbursed by the United States.

STATE GOVERNMENTS, ARIZONA, IDAHO, AND WYOMING.

Mr. SPRINGER, from the Committee on the Territories, reported back favorably the bill (H. R. 12411) to enable the people of Arizona, Idaho, and Wyoming to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

And then, on motion of Mr. CRISP (at 5 o'clock and 55 minutes p. m.), the House adjourned.

PRIVATE BILL INTRODUCED AND REFERRED.

Under the rule a private bill of the following title was introduced and referred as indicated below:

By Mr. BUTLER: A bill (H. R. 12579) for the relief of Richard L. Wilson—to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Concurrent resolution of the Legislature of Kansas, in relation to pensions—to the Committee on Invalid Pensions.

Also, concurrent resolution of the same, in relation to the assassination of John M. Clayton—to the Committee on Elections.

By Mr. FORNEY: Petition of D. L. James, asking for pay for carrying United States mail on route No. 16261, in Florida—to the Committee on Claims.

By Mr. HUNTER: Petition of Elizabeth Cates, dependent mother of James V. Ritter, late private Company E, Twenty-ninth Illinois Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of citizens of Marshfield, Plymouth, and Duxbury, Mass., for life-saving station—to the Committee on Commerce.

By Mr. PETERS: Concurrent resolution of the house of representatives of Kansas, favoring pension legislation for militia and non-enlisted men—to the Committee on Invalid Pensions.

Also, concurrent resolution of the house of representatives of Kansas, expressing its disapproval of political violence in the State of Arkansas—to the Committee on Elections.

By Mr. VOORHEES: Petition of 1,667 citizens of Seattle, of 40 citizens of Green River, of 15 citizens of Independence, of 33 citizens of Mossy Rock, and of 42 citizens of Edwards, Wash., praying for the immediate admission of said Territory into the Union under the name of Washington—to the Committee on the Territories.

By Mr. WASHINGTON: Petition of William Jones, sr., for relief of Payne, James & Co., for relief of V. D. Smith, for relief of William M. Campbell, for relief of William Huff, and for relief of John D. James—to the Committee on War Claims.

By Mr. WILSON: Petition of John B. Rutherford, of Jefferson County, West Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WISE: Resolution of Tobacco Exchange of Richmond, Va., asking for the repeal of the tax on tobacco; also, resolution of Lynchburg Tobacco Association, in favor of the repeal of the tax on tobacco—to the Committee on Ways and Means.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. CUMMINGS: Of 1,584 citizens of New York.

By Mr. FORD: Of 332 citizens of Michigan, and of 74 citizens of Allendale, Mich.

By Mr. FULLER: Of 396 citizens of Iowa.

By Mr. KELLEY: Of 2,909 citizens of Pennsylvania.

By Mr. LAIDLAW: Of citizens of Chautauqua County, New York, and of A. W. Hull and others, of New York.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BROWER: Of 135 citizens of Winston and Salem, N. C.

By Mr. CLARK: Of 164 citizens of Berlin, Wis.

By Mr. DINGLEY: Of 91 citizens of Booth Bay, Me.

By Mr. FORD: Of 50 citizens of Allendale, Mich.

By Mr. GIFFORD: Of 135 citizens of Grand Forks, Dak.

By Mr. GROUT: Of 56 citizens of Marshfield, Vt.

By Mr. D. B. HENDERSON: Of citizens of Providence, Iowa.

By Mr. HIRE: Of 58 citizens of Bridgeport, N. J.

By Mr. LONG: Of 104 citizens of Raynham, Mass.

By Mr. MACDONALD: Of 74 citizens of Red Wing, Minn.

By Mr. RICE: Of 173 citizens of St. Anthony Park, of St. Paul, Minn.; of 42 citizens of Minneapolis, and of 105 citizens of Macalister City, of St. Paul, Minn.

By Mr. RYAN: Of 196 citizens of Burlingame, Kans.

By Mr. VANDEVER: Petition of 81 citizens of Villa Park; of 31 citizens of Topeka; of 34 citizens of Sierra Madre; of 26 citizens of Eagle Rock; of 195 citizens of Los Angeles, of 120 citizens of Compton; of 48 citizens of El Modinia; of 41 citizens of Norwalk, Cal.; of 137 citizens of Long Beach; of 178 citizens of Santa Barbara; of 20 citizens of Santa Maria; of 30 citizens of Ontario; of 41 citizens of Rialto; of 21 citizens of Oneonta; of 53 citizens of Otay, and of 38 citizens of San Diego, Cal.

SENATE.

THURSDAY, February 14, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

FRANK D. WORCESTER—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 3451, entitled "An act granting a pension to Frank D. Worcester."

The beneficiary named in this bill served in the volunteer army from February 4, 1863, to January 27, 1864, a period of less than one year, when he was discharged upon the certificate of a surgeon, alleging as his disability "manifest mental imbecility and incontinence of urine—disease originated previous to enlistment."

In 1880, sixteen years after his discharge, a claim for pension was filed in his behalf by his father as his guardian, in which it was alleged that his mind—naturally not strong—became diseased in the Army by reason of excitement and exposure.

He was adjudged insane in 1872 and sent to an insane hospital, where he remained about six years, when he was discharged as a harmless incurable. His mental condition has remained about the same since that time.

Upon the declared inability to furnish testimony to rebut the record of mental disease prior to enlistment, the claim for pension was rejected in 1883.

In 1887 the case was reopened and a thorough examination was made as to soundness prior to enlistment and the origin and continuance of mental unsoundness.

Upon this examination evidence was taken, showing that he was deficient intellectually when he joined the Army; that he was stationed where he was not much exposed, and that his duties were comparatively light; that he never was considered a boy of solid intelligence, and that he had epileptiform seizures prior to enlistment.

On the other hand, no disinterested and unbiased evidence was secured tending to rebut these conditions.

The claim was thereupon again rejected. This was a proper disposition of the case unless the Government is held liable for every disability which may afflict those who served in the Union Army.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 13, 1889.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. DAVIS. I move that the bill and message be referred to the Committee on Pensions.

The motion was agreed to.

MICHAEL SHONG—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 2514, entitled "An act granting a pension to Michael Shong."

It appears that the beneficiary named in this bill, under the name of John M. Johns, enlisted in Company I, Fourteenth New York Volunteers, on the 17th day of May, 1861, and was discharged May 24, 1863.